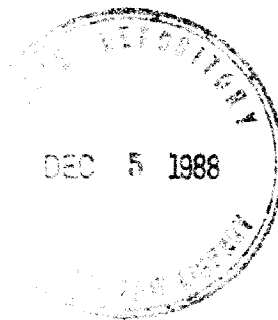


IN THE COURT OF APPEALS OF MARYLAND

IN RE: CERTIFICATION OF NEEDS FOR ADDITIONAL
JUDGEShips FOR FISCAL 1990



TO: The President of the Senate
The Speaker of the House of Delegates

FROM: Robert C. Murphy, Chief Judge

DATE: October 24, 1988

TABLE OF CONTENTS

Letter Certifying Need for Additional Judgeships	
Exhibit A	Statistical Analysis, Administrative Office of the Courts
Exhibit B-1	Comments of Circuit Administrative Judge, First Judicial Circuit
Exhibit B-2	Comments of Circuit Administrative Judge, Second Judicial Circuit
Exhibit B-3	Comments of Circuit Administrative Judge, Third Judicial Circuit
Exhibit B-4	Comments of Circuit Administrative Judge, Fourth Judicial Circuit
Exhibit B-5	Comments of Circuit Administrative Judge, Fifth Judicial Circuit
Exhibit B-6	Comments of Circuit Administrative Judge, Sixth Judicial Circuit
Exhibit B-7	Comments of Circuit Administrative Judge, Seventh Judicial Circuit
Exhibit B-8	Comments of Circuit Administrative Judge, Eighth Judicial Circuit
Exhibit C	Comments of Chief Judge, District Court of Maryland
Exhibit D-1	Draft Bill Providing for Additional Judges in the Circuit Courts
Exhibit D-2	Draft Bill Providing for Additional Judges in the District Court



ROBERT C. MURPHY
CHIEF JUDGE
COURT OF APPEALS OF MARYLAND
COURTS OF APPEAL BUILDING
ANNAPOLIS, MARYLAND 21401

October 24, 1988

Hon. Thomas V. "Mike" Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Hon. R. Clayton Mitchell
Speaker of the House
State House
Annapolis, Maryland 21401

Re: Judgeship Needs -- Fiscal Year 1990

Gentlemen:

In accordance with established procedures, I submit herewith my certification of need for additional judgeships for Fiscal Year 1990. After careful study of all the information available to me, I certify that four additional judgeships should be created during the 1989 Session of the General Assembly. This includes one circuit judge each for Carroll and St. Mary's Counties and one District Court judge each for Anne Arundel and Howard Counties.

I certify the need for these judgeships with full realization of their cost, both to the State and to the political subdivisions. Nevertheless, I believe it incumbent upon me, as administrative head of the State's judicial system, to convey to you my view that these positions are required to maintain the effective and efficient administration of justice for the benefit of the citizens of this State.

As in the past, the Administrative Office of the Courts has prepared a statistical analysis of the workload and performance of our circuit courts. By applying a workload measure to case filings projected through Fiscal 1990 and by applying other statistical data, preliminary indications are made as to where additional judgeships may be needed. (A copy of the Analysis, Exhibit A, is attached for your review and consideration.)

Hon. Thomas V. Miller, Jr.

Hon. R. Clayton Mitchell

Page 2

October 24, 1988

The preliminary analysis is distributed to the eight circuit administrative judges who are encouraged to submit their own views as to the need for additional judges (see attached Exhibits B-1 through B-8). These views are shared in some instances with other circuit court judges, bar associations, and legislators, as well as local governmental officials. Finally, after reviewing the statistical analysis and the responses of the administrative judges, certification is prepared.

As of July 1, 1988, there were 227 judicial positions authorized in Maryland, allocated in the following manner:

Court of Appeals	7 judges
Court of Special Appeals	13 judges
Circuit Courts	114 judges
District Court	93 judges

Each of these court levels undertakes to maximize the use of limited resources in order to keep current with their burgeoning caseloads. Some steps taken by these courts include the temporary recall of retired judges; the assignment of active judges from other areas of the State, as well as other courts; and various other administrative efforts aimed at managing caseload, particularly in the preliminary phases of litigation. All of these efforts are helpful in controlling the courts' workload but, from time to time, it is necessary to add permanent new judicial positions.

In the circuit courts, I seek two additional circuit court judgeships -- one in the Fifth Circuit -- Carroll County -- and one in the Seventh Circuit -- St. Mary's County. In Fiscal 1988, the circuit courts throughout the State reported over 199,000 total case filings (excluding juvenile cases filed in Montgomery County which are heard in the District Court). This represents an increase of 5,300 filings over the previous fiscal year and an infusion of more than 47,000 case filings since Fiscal 1983. Several factors over the past five years have contributed to this significant explosion in circuit court workload: A high number of cases affecting the family -- divorce, child support, child abuse, foster placements, etc.; and a greater influx of cases involving specialized litigation, such as savings and loan matters and asbestos claims. There has also been a huge number of motor vehicle and criminal misdemeanor cases which, although originating in the District Court, have been removed to the circuit courts after jury trials have been prayed. Even though less than two percent of these cases ever result in a jury trial, the number of such filings has reached epidemic proportions. In Fiscal 1988, over 29,000 of these cases were removed from the District Court to the circuit court. Since the early eighties, the volume of jury trial requests has quadrupled. It now appears that more than 50 percent of the circuit court criminal case filings are from the District Court. Legislative efforts to help abate this problem are sorely needed.

In the civil area, funds were made available two years ago by the General Assembly to support the use of former judges in the pretrial settlement of cases in the circuit courts in order to make the civil dockets more manageable. Former judges, once recalled, possess all the powers of active judges under the Maryland Constitution and statutes. Thus far, six of the eight judicial circuits have had settlement programs instituted in their jurisdictions.

With respect to the individual circuits, no additional circuit court judges will be sought in Fiscal 1990 in the First, Second, Third or Fourth Judicial Circuits. In each of these circuits, the circuit administrative judge concurs with the recommendation that no additional circuit court judge should be requested in the next fiscal year. It should be noted, however, that if continuous patterns of growth appear within certain counties of these circuits, I may request additional judicial positions in the not-too-distant future.

In the Fifth Judicial Circuit, Circuit Administrative Judge Thieme has indicated a need for one additional circuit court judge for Carroll County in Fiscal 1990, and I support this request. According to projections by the Administrative Office of the Courts, this is the third consecutive year that Carroll County has statistically shown a need for an additional circuit court judge. In previous years, retired judges and active judges from other jurisdictions have provided assistance to the circuit court for Carroll County. Carroll County now represents the second highest county in the State in terms of population per judge (57,850) and the longest elapsed time in the disposition of criminal cases (197 days). Administrative Judge Gilmore cites the fact that criminal cases are requiring the attention of one judge in Carroll County, five days a week to handle the removed criminal misdemeanor cases, while pending caseload is continuing to grow each year in the County. The last judgeship approved for Carroll County was in 1977. During that year, there were 1,777 juvenile, criminal and civil filings reported in the County. At the end of the previous fiscal year (Fiscal 1988), there were 4,049 total case filings. This means that Carroll County has more than doubled its circuit court workload in the last ten years.

In neighboring Howard County, there has been growth as well. Former Administrative Judge Fischer refers to local population statistics which indicate a growth of more than 40,000 people in the last six years. In the last fiscal year, the number of total filings increased by nearly a thousand over the previous year (5,845 in Fiscal 1988 compared to 4,849 in Fiscal 1987). While this data illustrate the growth in Howard County, more attention must be given to the circuit court workload through improvement in the case assignment system. Additional assistance may also be provided through the use of recalled judges and active judges within the circuit. In any event, a continuous assessment needs to be

Hon. Thomas V. Miller, Jr.
Hon. R. Clayton Mitchell
Page 4
October 24, 1988

conducted with respect to the future needs of the circuit court for Howard County.

In the Sixth Judicial Circuit, Administrative Judge Mitchell has requested an additional judge in the circuit court for Montgomery County based partially on the increased number of criminal filings in the last several years. In Fiscal Year 1988, Montgomery County reported 7,120 criminal filings -- up 14.7 percent from the previous year total of 6,207. More than half of these increases are directly related to the large number of demands for jury trials in criminal and motor vehicle cases which originated in the District Court.

According to statistics prepared by the Administrative Office of the Courts, Montgomery County ranks third in the State (behind St. Mary's and Carroll Counties) in terms of population per judge (52,938). The court has also experienced some lengthy litigation over the past year as Judge Mitchell has referenced in his letter (Exhibit B-6), concerning the savings and loan and Dalkon Shield cases. However, more sustained growth is needed in order to request a permanent judicial position in the circuit court for Montgomery County at this time. Other measures, such as reassigning temporary judges or recalling former judges, should be considered in order to provide assistance to the court in handling its regular docket in the upcoming year.

In the Seventh Judicial Circuit, I am requesting a second judge for the circuit court for St. Mary's County. As indicated in the Statistical Needs Analysis prepared by the Administrative Office of the Courts, St. Mary's County shows a need of an additional 1.8 judges by Fiscal 1990. The County also ranks the highest in the State in the number of filings per judge (3,491), dispositions per judge (3,063) and population per judge (69,500). Physical facilities for the second circuit court judge in St. Mary's County will be available according to local government officials (Exhibit B-7).

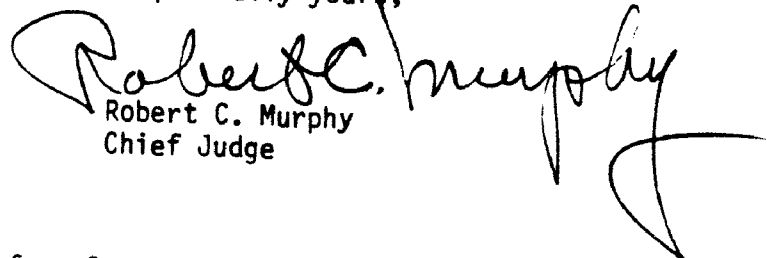
In the Eighth Judicial Circuit, Judge Kaplan does not request any additional assistance for Fiscal 1990.

Turning to the District Court, I support Chief Judge Sweeney's request (Exhibit C) for two additional District Court judgeships in Fiscal 1990, one each in Anne Arundel and Howard Counties. Both of these jurisdictions have experienced significant growth in population and caseload in the eighties. Since Fiscal 1983, each county has experienced a rise in more than 20,000 additional total cases. Because further temporary judicial assistance is no longer a viable option in these two counties, I am now requesting permanent judicial positions in the District Court for Anne Arundel and Howard Counties.

Hon. Thomas V. Miller, Jr.
Hon. R. Clayton Mitchell
Page 5
October 24, 1988

In summary, I believe the requests in this certification to be conservative, based on modest projections. I have attached to this letter draft bills providing for the additional judgeships I have recommended. Should you wish further information, I shall be glad to see that it is provided, either now or at the hearings concerning this request.

Respectfully yours,


Robert C. Murphy
Chief Judge

RCM:npg
Enc.

cc: Hon. William Donald Schaefer, Governor
Hon. Laurence Levitan, Chairman, Senate Budget and Taxation Committee
Hon. Walter M. Baker, Chairman, Senate Judicial Proceedings Committee
Hon. Charles J. Ryan, Chairman, House Appropriations Committee
Hon. William S. Horne, Chairman, House Judiciary Committee
Hon. Richard P. Gilbert, Chief Judge, Court of Special Appeals
Hon. Raymond G. Thieme, Jr., Chairman, Conference of Circuit Judges
Hon. Robert F. Sweeney, Chief Judge, District Court
Hon. J. Frederick Sharer, Chairman, Executive Committee of the Maryland
Judicial Conference
Circuit Administrative Judges
Hon. Louis L. Goldstein, State Comptroller
Alan H. Murrell, Esq., State Public Defender
Walter B. Dorsey, Esq., State's Attorney for St. Mary's County
Thomas E. Hickman, Esq., State's Attorney for Carroll County
William R. Hymes, Esq., State's Attorney for Howard County
Frank R. Weathersbee, Esq., State's Attorney for Anne Arundel County
Ms. Mary R. Bell, Clerk of the Circuit Court for St. Mary's County
Mr. Larry W. Shipley, Clerk of the Circuit Court for Carroll County
James H. Norris, Jr., Esq., State Court Administrator
F. Carvel Payne, Esq., Director, Dept. of Legislative Reference
Mr. Kenneth W. Miller, Budget Analyst, Dept. of Budget and Fiscal
Planning
Ms. Karen D. Morgan, Administrative Analyst, Dept. of Fiscal Services
Mr. Peter J. Lally, Assistant State Court Administrator

EXHIBIT A

STATISTICAL ANALYSIS OF THE NEED FOR
ADDITIONAL JUDGEShips IN THE CIRCUIT COURTS

Fiscal 1990

Administrative Office of the Courts
Courts of Appeal Building
Post Office Box 431
Annapolis, Maryland 21404
301/974-2141

EXHIBIT A

STATISTICAL ANALYSIS OF THE NEED FOR
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Administrative Office of the Courts
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STATISTICAL ANALYSIS OF THE NEED FOR
ADDITIONAL JUDGESHIPS IN THE CIRCUIT COURTS
Fiscal 1990

I. INTRODUCTION

On January 4, 1979, Chief Judge Robert C. Murphy began an annual procedure of formally certifying to the General Assembly the need for additional judges in Maryland. This process, which has become known as the certification process (or judicial allocation plan), was suggested by the Legislative Policy Committee prior to the 1979 session of the legislature. Since its implementation, it has allowed the Judiciary the opportunity to present the need for judgeships based on a review of a comprehensive set of factors including workload and other variables which affect the daily movement of cases through the State's judicial system.

The Chief Judge's Certification Process in identifying needs in the circuit courts involves three different steps. The starting point and the subject of this report is a statistical analysis prepared by the Administrative Office of the Courts. Several variables are considered at this interval: actual and projected filings; the number of pending cases per judge; the number of dispositions per judge; the ratio of attorneys to judges; the time required for the filing of the case through disposition (divided by criminal, civil, and juvenile) and the population per judge for each jurisdiction in Maryland. By reviewing these factors and applying caseload projections, preliminary indications can be made as to where additional judges are needed. It is important

to emphasize that these indicators are only preliminary at this juncture and they are only meant to act as a guide in assisting where additional judicial positions may be needed. The final decision or position of the Judiciary is not made until the end of the third step.

The second phase of certification involves local input. It is at this stage of development, after reviewing the statistical analysis prepared by the Administrative Office of the Courts and assessing local factors, that each circuit administrative judge responds to the need for additional judgeships. This response is given after several groups or individuals have been consulted. For example, the circuit administrative judge will seek the views of the administrative judge from the county where an additional judge may be considered. The circuit administrative judge will also solicit opinions from all or a select number of members of the bench from that county. Additional insight may be obtained from members of the bar, State and local legislators, and other individuals involved with providing local support. In all, based on a thorough review of the local environment and additional factors which may justify the need for increasing judgeships, the circuit administrative judge is asked to address the circuit's need for additional judgeships. In responding, the circuit administrative judge is asked to address the following points:

- A. Is there agreement or disagreement with the statistical analysis prepared by the Administrative Office of the Courts?
- B. If there is disagreement with the analysis for additional judges, what factors (such as the availability of inter- or intra-circuit assignments or the use of District Court or

retired judges, the lack of physical facilities or the lack of fiscal support, improved administrative procedures, etc.) support this view?

- C. If there is disagreement with the analysis against additional judges, what factors (such as the unavailability of inter- or intra-circuit assignment, District Court judges, or retired judges, the availability of physical facilities and local fiscal support, complexity of cases, case delay, demographic or economic factors, etc.) support this view? Are all case-flow management procedures being utilized in order to minimize the need for more judges?
- D. If there is agreement with the formula recommendations, are there physical facilities and anticipated local financial support for any recommended additional judgeships? Does the local delegation of State legislators support this need? What is the position of the local bar and others who might be called upon to support the request for an additional judgeship?

The final phase of the certification plan occurs when the Chief Judge of the Court of Appeals reviews the responses from administrative judges as well as the preliminary statistical analysis. Before making a final decision, he may also choose to discuss the request further with the administrative judge or others who may have specific knowledge about the request. Final certification is then drafted for the legislative leadership based on a distillation of all the information available to the Chief Judge. This step is taken consistent with the normal budgetary process.

II. METHODOLOGY FOR STATISTICAL ANALYSIS

In order to statistically review the need for judgeships, a variety of factors (or variables) can be looked at in order to help gauge where an additional judge may be needed. In Maryland, the first step is to assess the relative need of a jurisdiction by reviewing factors which may influence workload and performance of the courts. The second approach is to look at the specific needs of a jurisdiction by applying a particular formula. If the relative needs analysis and the formula approach both indicate a need for an additional judgeship, then there is a strong likelihood that a solid statistical need exists for a judgeship in that jurisdiction.

Reviewing the time required to terminate cases (performance measure) is one method of showing how the circuit courts are coping with increases in caseload. Table 3 illustrates the average number of days between filing and disposition for all cases terminated over the past four fiscal years (1985, 1986, 1987, and 1988). Civil cases generate the most time in terms of a case moving from the date of filing to final disposition and it appears that the average time for these cases in Fiscal 1988 is approximately 211 days. Criminal filings are the next highest, averaging 120 days (Fiscal 1988) followed by Juvenile filings which averaged 68 days (Fiscal 1988).

Workload measures are compared in Table 5. These include filings per judge, pending cases per judge, dispositions per judge, population per judge, and attorney/judge ratio. (Detailed population figures are found in Table 4.) All variables are ranked in Table 6. A distinction is made between predictive factors and performance factors. Predictive factors generally indicate those elements which may affect the amount of

business or workload of the courts in the foreseeable future, while performance factors tend to illustrate the ability of the courts to handle their workload. By comparing two sets of factors collectively (Table 7), one can gain a perspective of the relative needs of the jurisdictions in Maryland in terms of volume and their ability to cope with workload demands.

After reviewing the method for determining relative needs, a more specific analysis of each area of the State is then considered. Projections are developed for Fiscal 1989 and Fiscal 1990 and then applied to a scale to predict numerically the need for judicial positions. The following scale was utilized for Fiscal 1990 projections:

- A. 1,000 case filings in jurisdictions with 1 to 3 judicial officers;
- B. 1,100 case filings in jurisdictions with 4 to 8 judicial officers;
- C. 1,200 case filings in jurisdictions with 9 to 14 judicial officers;
- D. 1,300 case filings in jurisdictions with 15 to 19 judicial officers; and
- E. 1,400 case filings in jurisdictions with 20 or more judicial officers.

The results of the filings standard analysis are shown in Table 8. The first column after the jurisdiction represents the total 1990 projected filings for civil, criminal, and juvenile cases. The second column represents existing authorized judgeships. The third column shows the number of available full- and part-time masters, both juvenile and domestic relations, and also District Court judges who are cross designated to hear juvenile and other matters in the circuit court. It also indicates the number of retired judges who are recalled in some

jurisdictions for settlement conferences. The fourth column combines the second and third columns into a total combined number of judicial officers. The fifth column illustrates the projected number of total case filings per judicial officer. The sixth column shows the estimate of judge needs by applying the appropriate filing standard to the projected adjusted caseload, and the last column represents preliminary estimate of needed judicial manpower in terms of existing judicial resources and projected need. A surplus is shown by a number in parentheses and a shortage or a need for judges is shown by a number without parentheses.

III. GENERAL TRENDS WITHIN THE CIRCUIT COURTS

In the circuit courts, 199,245 filings were reported in Fiscal 1988 compared to 193,879 cases filed in Fiscal 1987 (excluding juvenile matters filed in Montgomery County). This represents a difference of over 5,366 additional filings or an increase of approximately 2.7 percent in total filings. Increases were reported in civil filings, 3.8 percent and criminal filings, 2.9 percent, while juvenile filings decreased slightly -- 1.1 percent. (See Table 1.) Since Fiscal 1983, total filings have increased 31 percent or more than 47,000 additional filings. The most consistent and significant increases have occurred with criminal filings, chiefly as the result of a large number of requests in the District Court for jury trials in misdemeanor cases. Since the District Court does not conduct jury trials, all of these requests are transferred to the circuit courts for disposition. In Fiscal 1988, 29,784 jury trial requests were filed in the circuit courts

throughout the State. This represented more than 50 percent of the entire criminal caseload for the year.

In 1981, the General Assembly passed a law aimed at reducing the number of demands for jury trials in the District Court (Chapter 608, Acts of 1981). As a result, jury trial prayers dropped by one-half after the first year (*infra* p. 8). In Fiscal 1983, two years after passage of the law, jury trial prayers increased close to the level where they were prior to the enactment of Chapter 608. The effectiveness of this law in reducing jury trial prayers was considerably lessened when, in April of 1984, the Court of Appeals ruled as unconstitutional the denial of a jury trial for a theft offense carrying a penalty of 18 months imprisonment. (See Kawamura v. State, 299 Md. 276, 473 A.2d 438 (1984).) In Fiscal 1984, jury trial prayers exceeded the 1981 level. As a result of another Court of Appeals decision the effectiveness of the law was thereafter further reduced. (See also Fisher v. State, 305 Md. 357, 504 A.2d 626 (1986).) As a practical matter, therefore, the 1981 law has no impact upon the jury prayer problem. This was, in part, recognized by an eight-judge committee, chaired by the Honorable Joseph A. Ciotola, which studied extensively the problem of District Court jury trial prayers and made a full report in December of 1987 on various short- and long-term solutions. A legislative proposal to correct the problem supported by all segments of the criminal justice system (public defenders, private defense bar, State's attorneys, Maryland State Bar Association, and the judiciary) was not successful during the 1988 session of the General Assembly. (See SB 681/HB 1269 -- Jury Trial -- Criminal Prosecutors.)

Over the years, these requests have climbed from 19,180 in Fiscal 1985 to 23,284 in Fiscal 1986 to 28,244 in Fiscal 1987. During the past year, Fiscal 1988, the number of these cases climbed more than 5 percent to 29,784 filings. While in most jurisdictions less than two percent of the cases actually result in a jury trial, a significant amount of court time is now required to dispose of the requests when scheduled for the circuit court. This influx of these cases is the single most important problem affecting the administration of the circuit courts throughout the State.

Jury Trial Prayers Pre- and Post-Gerstung Law (Chapter 608)

	Pre- Ch.608	Post-Chapter 608						
	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
Baltimore City*	5,925	2,034	3,209	4,128	5,948	7,407	8,698	8,714
Anne Arundel County	503	381	392	459	720	922	1,066	1,343
Baltimore County	1,312	1,050	1,424	1,513	2,245	3,363	4,348	4,683
Montgomery County	636	489	1,223	1,924	2,631	2,511	3,560	3,955
Prince George's County	952	895	1,583	2,755	4,043	4,348	4,003	3,111
All Other Counties	<u>2,962</u>	<u>1,399</u>	<u>1,930</u>	<u>2,414</u>	<u>3,593</u>	<u>4,733</u>	<u>6,569</u>	<u>7,978</u>
Total	12,290	6,248	9,761	13,193	19,180	23,284	28,244	29,784

*Based on number of defendants provided by the Criminal Assignment Office of the Circuit Court for Baltimore City.

Since the certification process began in January of 1979, 24 circuit court judgeships and seven District Court judgeships have been created. During the 1979 session of the General Assembly, seven circuit court judges were approved -- two in Anne Arundel, one each in Baltimore City, Charles, Montgomery, Prince George's, and Worcester Counties (Chapter 480, Acts of 1979). In 1980, while the circuit judgeship bills were not enacted (SB 674 and HB 997), one District Court judge was

authorized in Howard County (Chapter 266, Acts of 1980). The following year, 1981, the General Assembly approved six circuit court judges under the certification process -- two in Baltimore County, one each in Harford, Howard, Montgomery, and Washington Counties (Chapters 532 and 634 of 1981 Acts). In 1982, one circuit court judge was approved in Prince George's County (Chapter 132 of 1982 Acts). During the 1983 session, one judge was approved in the District Court for Montgomery County (Chapter 141 of 1983 Acts); two circuit court judgeship requests in Frederick County and Baltimore City were not approved.

In 1984, the General Assembly created five new judicial positions: two District Court judgeships, one each in Prince George's County and Baltimore City (Chapter 107 of 1984 Acts); and three additional judgeships in the circuit courts, one each in Baltimore, Frederick, and Prince George's Counties (Chapter 191 of 1984 Acts). During the 1985 session of the General Assembly, two circuit court judgeships were authorized, one each for Montgomery and Prince George's Counties (Chapter 21 of 1985 Acts). In Fiscal 1986, no additional judgeships were requested or authorized for the circuit courts. One additional judge in Fiscal 1987 was approved for the District Court in Montgomery County (Chapter 208 of the 1987 Acts).

During the 1988 session of the General Assembly, five additional judgeships were created in the circuit courts and two additional judgeships in the District Court (Chapter 473 of the 1988 Acts). This law allocated one additional circuit court judge in Baltimore City and Baltimore, Charles, Prince George's and Wicomico Counties. Two District Court judges were also provided in Charles and Prince George's Counties. Since the certification program began over ten years ago at the

direction of the Legislative Policy Committee, more than 80 percent of the requests for judgeships have been approved by the General Assembly.

IV. CIRCUIT-BY-CIRCUIT ANALYSIS

First Circuit

Located in the southern portion of the Eastern Shore of Maryland, the First Judicial Circuit is comprised of Dorchester, Wicomico, Worcester, and Somerset Counties. Seven circuit court judges are authorized in the area -- the most recent being approved for Wicomico County during the 1988 session of the General Assembly.

Since 1980, population in the First Judicial Circuit is estimated to have increased by approximately 20,000 people (Table 4). Judicial workload like in other areas of the State has grown as well. Case filings in the past five years have risen approximately 20 percent (Table 2) due in part to significant increases in the number of jury trial prayers, paternity/child support, and CINA cases.

In Fiscal 1988, of the 2,632 criminal filings reported within the circuit, 59 percent or 1,555 cases were those in which the case originated in the District Court and a request was made for a jury trial. In Worcester County, 513 of 796 (64 percent) criminal filings were District Court jury trial prayers. Wicomico County reported 56 percent of the criminal docket (659 of 1,161) involved these types of cases in Fiscal 1989.

Second Circuit

Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties make up the Second Judicial Circuit. There must be at least one resident judge

in each county within the circuit except Cecil County where there are two circuit court judges.

Population in the Second Judicial Circuit is beginning to grow, particularly in Cecil and Queen Anne's Counties. By July 1, 1989, it is projected that the circuit will have a population of 171,200 (See Table 4.) Talbot County ranks sixth in the State in the number of attorneys per judge (76 to 1) and second in the State in the longest disposition of criminal cases (179 days). Caroline County ranks fourth in the elapsed time of criminal matters (174 days). (See table 6.)

Third Circuit

Baltimore and Harford Counties constitute the Third Judicial Circuit which is made up of 18 circuit court judges -- 14 in Baltimore County and four in Harford County. Baltimore County's circuit court is also assisted by one full-time juvenile court master, two part-time settlement judges and one part-time master hearing child support matters. There is also one part-time juvenile master in Harford County.

The Third Judicial Circuit represents the third highest volume in the State in terms of overall court filings. In Fiscal 1988, 24,968 filings were reported in Baltimore County. While this showed a growth factor of only 2.4 percent over the previous year, Baltimore County has experienced a rapid climb in workload over the past five years. During this time period, Baltimore County has recorded the following increases: Fiscal 1985 -- 20,176 filings, up 9.9 percent (over the previous fiscal year); Fiscal 1986 -- 23,137 filings, up 14.6 percent; and Fiscal 1987 -- 24,325 filings, up 5.1 percent. Harford County has also experienced

a similar growth in filings. Since Fiscal 1983, there have been over 2,200 additional court filings, representing a climb of 58.0 percent.

As evidenced in other jurisdictions in Maryland, a significant portion of both of these increases is attributable to the increase in the number of requests for jury trial prayers. Since Fiscal 1982, these requests have risen by over 3,600 which means that the circuit court in Baltimore County can anticipate that many additional filings for the next several fiscal years.

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
Motor Vehicle Jury Trial Prayers	250	204	279	322	593	1,102	1,411	1,616
Criminal Jury Trial Prayers	<u>1,062</u>	<u>846</u>	<u>1,145</u>	<u>1,191</u>	<u>1,652</u>	<u>2,261</u>	<u>2,937</u>	<u>3,067</u>
	1,312	1,050	1,424	1,513	2,245	3,363	4,348	4,683

In recent years, courts can also anticipate a sizable number of civil cases related to asbestosis. As of July 1988, 2,700 asbestos cases are pending in Baltimore County.

In terms of other variables, Baltimore County is third in the State in the number of attorneys per judge (159 to 1), fourth in population per judge (51,854), fourth in the number of pending cases per judge (1,973), and sixth in the number of filings per judge (1,937). (See Table 5.) Harford County reported the fifth highest number of pending cases per judge in the State in Fiscal 1988, with 1,626 filings pending per judge.

Fourth Circuit

The Fourth Judicial Circuit is located in the western area of Maryland and has three counties: Allegany, Garrett, and Washington Counties. There are six judges authorized for the circuit on a permanent basis: two in Allegany County; one in Garrett County; and three in Washington County.

In Fiscal 1988, the circuit reported 7,361 total case filings. This is approximately 10.2 percent greater than the amount reported in Fiscal 1987 when 6,679 filings were recorded. Most of this increase appears in Washington County where case filings increased 8.1 percent in Fiscal 1988. Jury trial prayers and additional domestic cases appear to be the reason why much of the workload increases have occurred in recent years.

As to other indicators, Allegany County ranks first in the disposition of civil cases (293 days) and fifth (170 days) in the State for its time frame on criminal cases (Table 3).

Fifth Circuit

The Fifth Judicial Circuit is a geographical area which lies primarily between the metropolitan areas of Baltimore and Washington. It consists of Anne Arundel, Carroll, and Howard Counties. Fifteen judges are authorized in the circuit courts of these counties -- nine in Anne Arundel County, four in Howard County, and two in Carroll County. There are also three full-time juvenile/domestic relations masters in Anne Arundel County, one part-time juvenile master in Carroll County, and one full-time domestic relations master in Howard County.

In terms of population, the Fifth Judicial Circuit remains the largest growing area within the State. By July 1, 1989, the population for the circuit is projected at 703,200 people. This is approximately 110,000 more than the July 1980 population and it is anticipated that each subdivision within the circuit will grow as follows: Anne Arundel County -- 48,610; Howard County -- 44,020; and Carroll County -- 20,960 (Table 4). In measuring population per judge, Carroll County ranks second in the State (57,850), while Anne Arundel County is sixth (46,233).

As to other factors affecting judicial allocation, Howard County ranks fourth in the number of attorneys to judges (149 to 1) and Carroll County is fifth in the number of filings per judge (2,054). Anne Arundel County is also third in the number of pending cases per judge (2,120) and fifth in the number of attorneys to judges (100 to 1) (Table 5). In Fiscal 1988, Carroll County reported the longest elapsed time for the disposition of criminal cases (197 days), and Howard County had the third longest time period for civil cases (254 days) (Table 6).

Sixth Circuit

In Fiscal 1988, Montgomery and Frederick Counties both reported increases in the number of circuit court filings. Montgomery County showed an increase of 13.1 percent from 18,877 total filings in Fiscal 1987 to 21,351 total filings in Fiscal 1988. Frederick County's total filings climbed 9.5 percent from 3,388 in Fiscal 1987 to 3,712 in Fiscal 1988.

As stated in other parts of this report, a significant portion of caseload increases in the circuit courts in recent years is attributable

to the greater demand for jury trials originating from the District Court. The following chart indicates how the number of those requests in Montgomery County has risen for the past eight fiscal years.

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
Motor Vehicle Jury Trial Prayers	357	248	812	1,475	1,561	1,663	2,176	2,154
Criminal Jury Trial Prayers	<u>279</u>	<u>241</u>	<u>411</u>	<u>449</u>	<u>1,070</u>	<u>1,167</u>	<u>1,384</u>	<u>1,801</u>
	636	489	1,223	1,924	2,631	2,830	3,560	3,955

As to other workload factors, Montgomery County has historically ranked first in the number of attorneys per judge (269 to 1). It also ranks second in the number of pending cases per judge (2,123) and third in population per judge (52,938). The county also has the second highest elapsed time of civil cases (262 cases) and the third longest disposition time for criminal cases (175 days) (Table 6). Frederick County is sixth in the disposition of juvenile (76 days) and criminal cases (153 days).

Seventh Circuit

As indicated in Table 2, the Seventh Judicial Circuit is the second largest circuit in terms of court workload. In Fiscal 1988, there was a total of 43,519 filings reported in the circuit, representing a slight decrease of 0.1 percent over Fiscal 1987 (43,583). Prince George's County and the southern Maryland counties of Calvert, Charles, and St. Mary's make up the Seventh Judicial Circuit of Maryland. Table 4 indicates that the smaller jurisdictions within this region are

experiencing the greatest rate of population growth. It is anticipated that by July 1, 1989, each of the counties will have grown by 10,000 people.

In terms of jury trial requests from the District Court, Prince George's County has the fourth highest number of demands within the State; however, during the past fiscal year, these cases declined in both the criminal and motor vehicle areas. The following chart indicates the increase in these demands since Fiscal 1981 in Prince George's County.

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
Motor Vehicle Jury Trial Prayers	178	242	669	1,438	1,794	2,040	1,767	1,501
Criminal Jury Trial Prayers	<u>774</u>	<u>653</u>	<u>914</u>	<u>1,317</u>	<u>2,249</u>	<u>2,308</u>	<u>2,236</u>	<u>1,610</u>
	952	895	1,583	2,755	4,043	4,348	4,003	3,111

St. Mary's County has also witnessed an explosion of the requests over the past fiscal year. In Fiscal 1986, for example, there were 154 cases filed in the circuit court in which there was a demand for a jury trial. In Fiscal 1988, the county reported 814 jury demands -- an amount more than five times greater.

St. Mary's (1), Charles (3), and Prince George's (4) Counties rank the highest with respect to the number of filings per judge. Table 5 illustrates these workload measures on a comparative basis. As to the elapsed time of cases, St. Mary's County ranks third in the disposition of juvenile cases (98 days), and Calvert County ranks second, averaging 100 days for a juvenile filing.

There are twenty-two judges authorized for the circuit courts of the Seventh Judicial Circuit -- seventeen of these are in Prince George's County. Six judicial masters are also employed in Prince George's County to dispose of matters ranging from child support to ancillary juvenile matters. St. Mary's County also employs a juvenile master on a part-time basis to handle juvenile matters.

Eighth Circuit

The Eighth Judicial Circuit is the Circuit Court for Baltimore City, which consists of 24 judges and 11 full-time juvenile and domestic relations masters to handle a workload of over 52,000 case filings each year. One District Court judge is assigned to court on a rotational basis during the year along with two part-time retired judges used for civil cases.

Over the past five fiscal years, the overall number of case filings has increased significantly in Baltimore City. In Fiscal 1984, there were 43,209 court filings compared to this current fiscal year (1988) when the court reported 52,470 total court filings. This represents an increase of 21.4 percent. A significant portion of this caseload increase is attributable to jury trial demands from the District Court. The following chart reflects the number of these cases in Baltimore City since Fiscal 1981.

	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
Jury Trial Prayers ^a	5,925	2,034	3,209	4,128	5,948	7,407	8,698	8,714

^aBased on the number of defendants provided by the Criminal Assignment Office of the Circuit Court for Baltimore City.

Like other jurisdictions in the metropolitan area of Baltimore, the Circuit Court for Baltimore City is now experiencing a large number of asbestos cases. Currently, a retired judge has been assigned to hear these matters on an exclusive basis and it is anticipated that it will take many years before these matters could be resolved.

As to other workload considerations, Baltimore City ranks first in the number of pending cases per judge (4,980), second in the number of attorneys to judges (190 to 1), and second in the number of filings per judge (2,367). (See Table 5.) It also is seventh for the disposition time of civil cases -- 202 days.

TABLE 1
STATEWIDE CIRCUIT COURT FILINGS BY CASE TYPE
FISCAL YEARS 1979 THROUGH 1988

Case Type	FY 79 Filings (% of Change)	FY 80 Filings (% of Change)	FY 81 Filings (% of Change)	FY 82 Filings (% of Change)	FY 83 Filings (% of Change)	FY 84 Filings ^c (% of Change)	FY 85 Filings ^c (% of Change)	FY 86 Filings (% of Change)	FY 87 Filings (% of Change)	FY 88 Filings (% of Change)
Civil ^a	81,064 (+ 8.5%)	86,295 (+ 6.5%)	75,336 (-12.7%)	81,633 (+ 8.4%)	91,255 (+11.8%)	97,674 (+ 7.0%)	102,030 (+ 4.50%)	106,716 (+ 4.59%)	106,193 (- 0.5%)	110,288 (+ 3.8%)
Criminal	38,516 (+ 7.80%)	39,007 (+ 1.27%)	46,061 (+18.08%)	30,575 (-33.62%)	33,862 (+10.75%)	36,738 (+ 8.49%)	42,547 (+15.80%)	48,660 (+14.36%)	55,247 (+13.5%)	56,892 (+ 2.9%)
Juvenile ^b	23,487 (+ 4.51%)	24,117 (+ 2.68%)	22,961 (- 4.79%)	26,481 (+15.33%)	26,518 (+ 0.13%)	26,626 (+ 0.40%)	27,387 (+ 2.90%)	30,834 (+12.58%)	32,439 (+ 5.2%)	32,065 (- 1.1%)
Total	143,067 (+ 7.63%)	149,419 (+ 4.43%)	144,358 (- 3.38%)	138,689 (- 3.93%)	151,635 (+ 6.92%)	161,038 (+ 6.20%)	171,964 (+ 6.78%)	186,210 (+ 8.28%)	193,879 (+4.1%)	199,245 (+ 2.7%)

^aBeginning in Fiscal 1985, "Law" and "Equity" were combined into one category and named "Civil."

^bExcludes juvenile causes in Montgomery County District Court.

^cDuring Fiscal 1981 and Fiscal 1982, reopened cases were counted when a hearing was held. In all other fiscal years, reopened cases are recorded at the time of the filing of the petition.

^dBeginning in Fiscal 1982, Baltimore City changed its criminal counting procedures from individual charges to cases which are defined as charges arising out of a single incident.

TABLE 2
PROJECTIONS OF CIRCUIT COURT FILINGS FOR
EACH JURISDICTION IN MARYLAND THROUGH 1990

Circuit/ Jurisdiction	Actual								Projected	
	FY 81 ^a	FY 82 ^b	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88 ^c	FY 89 ^c	FY 90 ^c
<u>First Circuit</u>	6,005	5,506	6,198	6,398	6,366	7,552	7,670	7,766	7,751	7,743
Dorchester	1,156	1,135	1,156	1,305	1,480	1,837	1,865	1,734	1,709	1,637
Somerset	550	635	675	800	759	940	1,021	1,076	1,148	1,216
Wicomico	2,307	2,348	2,669	2,583	2,245	2,644	2,604	2,915	2,992	3,127
Worcester	1,992	1,388	1,698	1,710	1,882	2,131	2,180	2,041	1,902	1,763
<u>Second Circuit</u>	4,436	4,957	5,602	5,369	5,625	5,891	6,259	6,721	6,549	6,658
Caroline	750	678	750	687	897	977	1,016	1,164	1,223	1,307
Cecil	1,975	2,219	2,311	2,356	2,484	2,376	2,549	2,826	2,695	2,742
Kent	414	378	430	388	372	551	668	629	590	551
Queen Anne's	735	886	1,054	991	939	944	951	1,022	955	959
Talbot	562	796	1,057	947	933	1,043	1,075	1,080	1,086	1,099
<u>Third Circuit</u>	19,642	20,303	22,281	22,931	25,144	28,487	29,792	31,195	31,018	31,588
Baltimore	15,857	16,348	18,341	18,352	20,176	23,137	24,325	24,968	24,967	25,288
Harford	3,785	3,955	3,940	4,579	4,968	5,350	5,467	6,227	6,051	6,300
<u>Fourth Circuit</u>	4,980	4,807	5,130	5,378	5,947	6,645	6,679	7,361	7,313	7,542
Allegany	1,650	1,589	1,577	1,544	1,702	1,935	1,828	2,010	1,999	2,036
Garrett	706	645	724	701	718	684	747	911	934	1,003
Washington	2,624	2,573	2,829	3,133	3,527	4,026	4,104	4,440	4,380	4,503
<u>Fifth Circuit</u>	16,690	17,461	19,906	23,727	26,037	26,681	25,329	25,150	24,214	23,598
Anne Arundel	10,730	11,592	13,198	16,501	18,250	18,257	16,723	15,527	14,763	13,793
Carroll	2,451	2,377	3,190	3,434	3,543	3,603	3,757	3,879	3,986	4,102
Howard	3,509	3,492	3,518	3,792	4,244	4,821	4,849	5,744	5,465	5,703
<u>Sixth Circuit</u>	13,123	13,589	17,139	18,465	19,651	20,837	22,265	25,063	25,049	26,395
Frederick ^d	2,311	2,501	2,357	2,574	2,718	3,163	3,388	3,712	3,721	3,847
Montgomery ^d	10,812	11,088	14,782	15,891	16,933	17,674	18,877	21,351	21,328	22,548
<u>Seventh Circuit</u>	26,469	30,567	32,485	35,561	36,066	39,422	43,583	43,519	42,245	42,024
Calvert	1,640	1,294	1,156	1,317	1,467	1,585	1,536	1,671	1,683	1,726
Charles	2,724	2,694	3,126	3,010	3,195	3,804	4,710	4,555	4,400	4,245
Prince George's	20,415	25,100	26,551	29,653	29,916	32,542	34,525	34,030	33,535	33,040
St. Mary's	1,690	1,479	1,652	1,581	1,488	1,491	2,812	3,263	2,627	3,013
<u>Eighth Circuit</u>	53,013	41,499	42,894	43,209	47,128	50,695	52,302	52,470	52,638	52,806
Baltimore City	53,013	41,499	42,894	43,209	47,128	50,695	52,302	52,470	52,638	52,806
Statewide ^d	144,358	138,689	151,635	161,038	171,964	186,210	193,879	199,245	196,777	198,354

^aDuring Fiscal 1981 and Fiscal 1982, reopened cases were counted when a hearing was held. In all other fiscal years, reopened cases are recorded at the time of the filing of the petition.

^bBaltimore City changed its criminal counting procedures from individual charges to cases in July 1981. Cases are defined as charges arising out of a single incident.

^cProjections are based on a linear regression method of forecasting. For Fiscal 1988, the first eleven months' data were used as the data base for extrapolating twelve-month figures.

^dExcludes juvenile causes heard in Montgomery County.

TABLE 3

FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1988, 1987, 1986, and 1985

	Average in Days - Filing to Disposition							
	All Criminal Cases				Excluding Cases Over 360 Days*			
	85	'86	'87	'88	'85	'86	'87	'88
<u>First Circuit</u>								
Dorchester	175	140	135	100	132	113	121	98
Somerset	256	115	129	168	111	115	128	127
Wicomico	93	92	100	95	86	89	97	95
Worcester	123	123	113	125	117	110	112	120
<u>Second Circuit</u>								
Caroline	144	170	169	182	125	163	160	174
Cecil	166	164	163	191	157	159	146	147
Kent	170	140	173	274	159	129	125	110
Queen Anne's	125	150	158	163	123	123	134	134
Talbot	152	128	237	197	143	126	186	179
<u>Third Circuit</u>								
Baltimore	133	137	138	143	99	106	125	108
Harford	223	210	212	214	173	161	166	147
<u>Fourth Circuit</u>								
Allegany	151	163	182	196	126	144	165	170
Garrett	133	165	124	115	125	160	124	103
Washington	150	165	156	143	130	157	146	131
<u>Fifth Circuit</u>								
Anne Arundel	163	171	181	181	144	143	149	150
Carroll	208	192	237	229	167	150	161	197
Howard	168	150	156	167	131	131	135	140
<u>Sixth Circuit</u>								
Frederick	116	119	134	176	103	111	128	153
Montgomery	179	194	226	236	142	168	178	175
<u>Seventh Circuit</u>								
Calvert	100	115	95	98	96	105	95	98
Charles	162	160	154	154	152	154	141	147
Prince George's	114	117	119	128	104	109	111	115
St. Mary's	142	130	134	181	135	114	127	146
<u>Eighth Circuit</u>								
Baltimore City	115	93	97	110	93	76	81	91
Statewide	135	126	132	149	111	106	112	120

*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

Note - The figures used for Fiscal 1988 are as of March, 1988.

TABLE 3 (contd.)
FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1988, 1987, 1986, and 1985

	Average in Days - Filing to Disposition							
	All Civil Cases				Excluding Cases Over 721 Days*			
	'85	'86	'87	'88	'85	'86	'87	'88
<u>First Circuit</u>								
Dorchester	279	472	222	244	147	141	148	174
Somerset	162	159	163	193	107	116	98	116
Wicomico	180	195	228	282	148	154	179	199
Worcester	211	193	211	201	175	174	177	180
<u>Second Circuit</u>								
Caroline	169	240	202	225	143	197	179	183
Cecil	193	181	247	195	153	152	143	155
Kent	173	140	214	262	129	107	141	187
Queen Anne's	126	191	223	213	88	160	181	165
Talbot	216	208	227	302	155	158	163	202
<u>Third Circuit</u>								
Baltimore	310	299	326	320	216	210	213	203
Harford	269	248	322	N/A	182	176	186	190
<u>Fourth Circuit</u>								
Allegany	443	328	294	N/A	261	232	216	293
Garrett	220	196	208	190	192	189	187	165
Washington	332	240	238	240	179	170	182	183
<u>Fifth Circuit</u>								
Anne Arundel	236	248	399	288	173	184	228	200
Carroll	263	322	346	217	147	151	187	167
Howard	434	288	364	504	261	225	262	254
<u>Sixth Circuit</u>								
Frederick	224	243	224	274	169	173	184	191
Montgomery	622	405	369	369	223	245	242	262
<u>Seventh Circuit</u>								
Calvert	228	274	253	259	170	189	191	194
Charles	226	240	241	231	181	193	192	188
Prince George's	350	317	338	327	246	241	206	218
St. Mary's	202	202	205	275	178	184	173	191
<u>Eighth Circuit</u>								
Baltimore City	252	303	375	338	187	194	243	202
Statewide	328	299	333	352	200	204	214	211

*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

Notes: (1) The figures used for Fiscal 1988 are as of March, 1988.
(2) Please see attached memorandum from John Davies dated October 13, 1988.

TABLE 3 (contd.)
FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1988, 1987, 1986, and 1985

	Average in Days - Filing to Disposition							
	All Juvenile Cases				Excluding Cases Over 271 Days*			
	'85	'86	'87	'88	'85	'86	'87	'88
<u>First Circuit</u>								
Dorchester	37	54	37	32	37	32	37	32
Somerset	66	25	35	11	26	14	19	11
Wicomico	32	37	53	42	32	34	35	39
Worcester	55	65	73	76	47	59	58	56
<u>Second Circuit</u>								
Caroline	65	50	55	84	59	50	50	73
Cecil	71	46	75	58	48	46	56	55
Kent	73	38	37	65	65	38	37	42
Queen Anne's	44	82	55	57	40	35	47	51
Talbot	52	69	81	66	52	69	60	59
<u>Third Circuit</u>								
Baltimore	54	63	59	156	43	51	48	45
Harford	78	74	78	N/A	48	55	59	58
<u>Fourth Circuit</u>								
Allegany	32	39	79	65	29	38	67	54
Garrett	32	51	38	52	32	51	38	52
Washington	36	43	50	41	36	43	43	38
<u>Fifth Circuit</u>								
Anne Arundel	91	80	87	95	82	74	80	86
Carroll	78	74	91	91	68	69	82	80
Howard	82	74	83	76	71	64	72	69
<u>Sixth Circuit</u>								
Frederick	59	69	81	85	59	68	70	76
Montgomery	161	115	171	146	92	85	106	109
<u>Seventh Circuit</u>								
Calvert	105	122	154	122	73	77	81	100
Charles	116	68	66	75	65	66	65	68
Prince George's	104	76	75	75	63	64	71	73
St. Mary's	88	134	95	103	81	73	82	98
<u>Eighth Circuit</u>								
Baltimore City	86	90	119	85	63	68	65	65
Statewide	90	83	101	128	64	66	66	68

*This column excludes older cases to give the reader an indication of what the average time would be eliminating those cases which perhaps should have been reported as terminated to the State information system. Approximately 90 to 95 percent of the cases are disposed within this time period.

Note - The figures used for Fiscal 1988 are as of March, 1988.

TABLE 4

MARYLAND POPULATION CHANGE BETWEEN 1970 AND 1980 CENSUS
AND POPULATION PROJECTIONS THROUGH JULY 1, 1989

Circuit/ Jurisdiction	Actual Population		Actual Annual Rate of Change	Population Projections		Projected Annual Rate of Change
	April 1, 1970	April 1, 1980		July 1, 1980 ^a	July 1, 1989 ^b	
<u>First Circuit</u>	127,007	145,240	1.44	145,700	159,500	0.85
Dorchester	29,405	30,623	0.41	30,650	29,500	-0.34
Somerset	18,924	19,188	0.14	19,200	19,200	0.0
Wicomico	54,236	64,540	1.9	64,800	71,900	0.99
Worcester	24,442	30,889	2.64	31,050	38,900	2.28
<u>Second Circuit</u>	131,322	151,380	1.53	151,890	171,200	1.14
Caroline	19,781	23,143	1.7	23,230	24,600	0.53
Cecil	53,291	60,430	1.34	60,610	70,100	1.41
Kent	16,146	16,695	0.34	16,710	17,000	0.16
Queen Anne's	18,422	25,508	3.85	25,690	31,300	1.97
Talbot	23,682	25,604	0.81	25,650	28,200	0.89
<u>Third Circuit</u>	735,787	801,545	0.89	803,190	835,100	0.36
Baltimore	620,409	655,615	0.57	656,500	675,300	0.26
Harford	115,378	145,930	2.65	146,690	159,800	0.80
<u>Fourth Circuit</u>	209,349	221,132	0.56	220,400	212,500	-0.32
Allegany	84,044	80,548	-0.42	80,460	71,500	-1.00
Garrett	21,476	27,498	2.34	26,620	26,300	-0.11
Washington	103,829	113,086	0.89	113,320	114,700	0.11
<u>Fifth Circuit</u>	429,442	585,703	3.64	589,510	703,200	1.73
Anne Arundel	298,042	370,775	2.44	372,530	421,200	1.17
Carroll	69,006	96,356	4.0	97,340	118,000	1.94
Howard	62,394	118,572	9.0	119,980	164,000	3.30
<u>Sixth Circuit</u>	607,736	693,845	1.42	695,460	841,000	1.88
Frederick	84,927	114,792	3.52	115,000	139,500	1.92
Montgomery	522,809	579,053	1.08	580,460	701,500	1.88
<u>Seventh Circuit</u>	777,467	832,355	0.71	833,740	903,000	0.75
Calvert	20,682	34,638	6.75	34,990	47,200	3.14
Charles	47,678	72,751	5.26	73,380	96,300	2.81
Prince George's	661,719	665,071	0.05	665,160	688,900	0.32
St. Mary's	47,388	59,895	2.64	60,210	70,600	1.55
<u>Eighth Circuit</u>						
Baltimore City	905,787	786,775	-1.31	783,800	743,900	-0.46
STATEWIDE	3,923,897	4,217,975	0.75	4,223,790	4,569,400	0.74

SOURCES: Maryland Vital Statistics Annual Report, 1980, and Maryland Population Report July 1, 1985 and Projections to 1990, Department of Health and Mental Hygiene, Center for Health Statistics.

^aThe July 1, 1980 population estimate was prepared by the Center for Health Statistics by adding to the 1980 census population (April 1, 1980) 1/40th the change between the 1970 and 1980 censuses for each political subdivision. The subdivisions were then summed to obtain the total state population.

^bChange in population from one year to the next is dependent upon two factors -- natural increase and net migration. Natural increase is the excess of births over deaths. Net migration is the difference between the number of people moving into an area and the number moving out. For further information, see source documents above.

TABLE 5

COMPARATIVE WORKLOAD MEASURES PER CIRCUIT COURT JUDGE^a
(Fiscal Year 1988)

Jurisdiction (Number of Judges)	(1) Filings Per Judge (Rank)	(2) Pending Cases ^b Per Judge (Rank)	(3) Dispositions ^c Per Judge (Rank)	(4) Population ^d Per Judge (Rank)	(5) Attorney/Judge Ratio ^e
First Circuit					
Dorchester (1)	1,816 (7)	901 (13)	1,570 (8)	29,600 (18)	16 (23)
Somerset (1)	1,160 (18)	545 (19)	1,017 (19)	19,200 (22)	11 (24)
Wicomico (2)	1,512 (13)	572 (18)	1,471 (11)	35,550 (14)	48 (12)
Worcester (2)	1,049 (20)	482 (21)	981 (20)	19,000 (23)	27 (19)
Second Circuit					
Caroline (1)	1,169 (17)	515 (20)	1,158 (17)	24,500 (21)	18 (22)
Cecil (2)	1,441 (14)	885 (14)	1,182 (16)	34,550 (15)	28 (18)
Kent (1)	549 (24)	342 (23)	548 (24)	17,000 (24)	26 (20)
Queen Anne's (1)	1,015 (22)	397 (22)	961 (21)	30,700 (17)	30 (17)
Talbot (1)	1,132 (19)	702 (17)	871 (23)	27,900 (19)	76 (6)
Third Circuit					
Baltimore (13)	1,937 (6)	1,973 (4)	1,581 (6)	51,854 (4)	159 (3)
Harford (4)	1,582 (11)	1,526 (5)	1,502 (9)	39,625 (11)	59 (9)
Fourth Circuit					
Allegany (2)	1,037 (21)	952 (11)	1,413 (13)	36,300 (13)	37 (14)
Garrett (1)	922 (23)	283 (24)	933 (22)	26,400 (20)	20 (21)
Washington (3)	1,528 (12)	840 (15)	1,413 (14)	38,233 (12)	37 (15)
Fifth Circuit					
Anne Arundel (9)	1,732 (9)	2,120 (3)	1,320 (15)	46,233 (6)	100 (5)
Carroll (2)	2,054 (5)	1,428 (8)	1,797 (5)	57,850 (2)	75 (7)
Howard (4)	1,410 (15)	920 (12)	1,435 (12)	39,750 (10)	149 (4)
Sixth Circuit					
Frederick (3)	1,280 (16)	780 (16)	1,080 (18)	45,633 (8)	53 (10)
Montgomery (13)	1,655 (10)	2,123 (2)	1,498 (10)	52,938 (3)	269 (1)
Seventh Circuit					
Calvert (1)	1,772 (8)	974 (9)	1,577 (7)	45,900 (7)	50 (11)
Charles (2)	2,314 (3)	962 (10)	2,059 (3)	46,900 (5)	35 (16)
Prince George's (16)	2,178 (4)	1,568 (7)	1,964 (4)	42,938 (9)	75 (8)
St. Mary's (1)	3,491 (1)	1,578 (6)	3,063 (1)	69,500 (1)	47 (13)
Eighth Circuit					
Baltimore City (23)	2,367 (2)	4,980 (1)	2,096 (2)	32,557 (16)	190 (2)
State (109)	1,871	2,237	1,654	41,599	128

^aThe number of judges used in developing the rankings in this chart is based on the number authorized in Fiscal 1988 (109 statewide).

^bThe pending cases reflect those active cases which were pending as of April 30, 1988.

^cThe disposition statistics used were based on a linear regression method of forecasting using the first ten months of Fiscal 1988 as the data base.

^dPopulation estimate for July 1, 1988, issued by the Maryland Center for Health Statistics.

^eAttorney statistics obtained from the Administrator of the Clients' Security Trust Fund of the Bar of Maryland as of April 12, 1988. Out-of-state attorneys are not included in these ratios.

^fExcludes juvenile cases in Montgomery County District Court.

TABLE 6
COMPARED RANKING OF VARIOUS FACTORS AFFECTING JUDGESHIP ALLOCATION

	Ranking of Predictive Factors				Ranking of Performance Factors (Inverted Ranking Used ^a to Show Longest Times)		
	Filings	Popu- lation	Pending Cases	Attorneys	Time/ Civil	Time/ Criminal	Time/ Juvenile
<u>First Circuit</u>							
Dorchester	7	18	13	23	174 (19)	98 (21)	32 (23)
Somerset	18	22	19	24	116 (24)	127 (15)	11 (24)
Wicomico	13	14	18	12	199 (9)	95 (23)	39 (21)
Worcester	20	23	21	19	180 (18)	120 (16)	56 (14)
<u>Second Circuit</u>							
Caroline	17	21	20	22	183 (16)	174 (4)	73 (7)
Cecil	14	15	14	18	155 (23)	147 (8)	55 (15)
Kent	24	24	23	20	187 (15)	110 (18)	42 (20)
Queen Anne's	22	17	22	17	165 (21)	134 (13)	51 (18)
Talbot	19	19	17	6	202 (6)	179 (2)	59 (12)
<u>Third Circuit</u>							
Baltimore	6	4	4	3	203 (5)	108 (19)	45 (19)
Harford	11	11	5	9	190 (13)	147 (10)	58 (13)
<u>Fourth Circuit</u>							
Allegany	21	13	11	14	293 (1)	170 (5)	54 (16)
Garrett	23	20	24	21	165 (22)	103 (20)	52 (17)
Washington	12	12	15	15	183 (17)	131 (14)	38 (22)
<u>Fifth Circuit</u>							
Anne Arundel	9	6	3	5	200 (8)	150 (7)	86 (4)
Carroll	5	2	8	7	167 (20)	197 (1)	80 (5)
Howard	15	10	12	4	254 (3)	140 (12)	69 (9)
<u>Sixth Circuit</u>							
Frederick	16	8	16	10	191 (11)	153 (6)	76 (6)
Montgomery	10	3	2	1	262 (2)	175 (3)	109 (1)
<u>Seventh Circuit</u>							
Calvert	8	7	9	11	194 (10)	98 (22)	100 (2)
Charles	3	5	10	16	188 (14)	147 (9)	68 (10)
Prince George's	4	9	7	8	218 (4)	115 (17)	73 (8)
St. Mary's	1	1	6	13	191 (12)	146 (11)	98 (3)
<u>Eighth Circuit</u>							
Baltimore City	2	16	1	2	202 (7)	91 (24)	65 (11)

^aLower number indicates greater need for judgeship. (So, for example, a number one ranking of a predictive factor would indicate a higher amount of volume whereas a number one ranking of a performance factor would indicate a slower ability to handle workload.)

Note: Please see attached memorandum from John Davies dated October 13, 1988.

TABLE 7

COLLECTIVE RANKING OF JURISDICTIONS
BY BOTH PREDICTIVE AND PERFORMANCE FACTORS**
(FISCAL 1988)

Summary of Predictive Factors by Jurisdiction*		Summary of Performance Factors by Jurisdiction*	
1. Baltimore City	(6.5)	1. Montgomery County	(2.0)
2. St. Mary's County	(7.25)	2. Anne Arundel County	(6.33)
3. Baltimore County	(8.25)	3. Talbot County	(6.67)
4. Montgomery County	(9.5)	4. Allegany County	(7.33)
5. Carroll County	(10.0)	5. Frederick County	(7.67)
6. Prince George's County	(10.75)	6. Howard County	(8.0)
7. Anne Arundel County	(11.0)	7. Carroll County	(8.67)
8. Charles County	(12.5)	8. St. Mary's County	(8.67)
9. Calvert County	(15.0)	9. Caroline County	(9.0)
10. Howard County	(20.75)	10. Prince George's County	(9.67)
11. Queen Anne's County	(21.0)	11. Charles County	(11.0)
12. Dorchester County	(22.0)	12. Calvert County	(11.33)
13. Washington County	(23.25)	13. Harford County	(12.0)
14. Frederick County	(24.5)	14. Baltimore City	(14.0)
15. Wicomico County	(25.25)	15. Baltimore County	(14.33)
16. Cecil County	(25.75)	16. Cecil County	(15.33)
17. Allegany County	(28.0)	17. Worcester County	(16.0)
18. Talbot County	(29.0)	18. Queen Anne's County	(17.33)
19. Harford County	(31.5)	19. Wicomico County	(17.67)
20. Caroline County	(33.5)	20. Washington County	(17.67)
21. Somerset County	(34.5)	21. Kent County	(17.67)
22. Worcester County	(36.0)	22. Garrett County	(19.67)
23. Garrett County	(39.5)	23. Dorchester County	(21.0)
24. Kent County	(40.5)	24. Somerset County	(21.0)

*Collective ranking determined by assigning a weight of three to filings per judge, a weight of one to population per judge, a weight of two to pending cases per judge, and a weight of one to attorney/judge ratio.

*Collective ranking determined by assigning an equal weight (of one) to the filing to disposition times of criminal, law, equity, and juvenile cases. (Inverted ranking to show longest times.)

**Lower number indicates greater need for judgeship so, for example, a number one ranking of a predictive factor would indicate a higher amount of volume whereas a number one ranking of a performance factor would indicate a slower ability to handle workload. If a jurisdiction is listed near the top of both lists, then this shows that a relatively strong need exists for a judge based on the variables considered.

Note: Please see attached memorandum from John Davies dated October 13, 1988.

TABLE 8
PROJECTED NUMBER OF JUDGES NEEDED IN CIRCUIT COURTS

	Projected Filings 1990 ^a	No. of Judges	No. of Masters and Judges Cross-designated ^b	Adjusted Number Judicial Officers	Average Projected No. of Filings Per Judicial Officer 1990	Judicial Officers by Standard ^c	Addtl. Judges Needed ^d
First Circuit							
Dorchester	1,637	1	0	1.0	1,637	1.6	0.6
Somerset	1,216	1	0	1.0	1,216	1.2	0.2
Wicomico	3,127	3	0	3.0	1,042	3.1	0.1
Worcester	1,763	2	0	2.0	882	1.8	(0.2)
Circuit Total	7,743	7	0	7.0	1,106	7.7	0.7
Second Circuit							
Caroline	1,307	1	0	1.0	1,307	1.3	0.3
Cecil	2,742	2	0.2	2.2	1,246	2.7	0.5
Kent	551	1	0	1.0	551	0.6	(0.4)
Queen Anne's	959	1	0	1.0	959	1.0	0.0
Talbot	1,099	1	0	1.0	1,099	1.1	0.1
Circuit Total	6,658	6	0.2	6.2	1,073	6.7	0.5
Third Circuit							
Baltimore	25,288	14	2.8	16.8	1,505	19.4	2.6
Harford	6,315	4	0.6	4.6	1,372	5.7	1.1
Circuit Total	31,603	18	3.4	21.4	1,476	25.1	3.7
Fourth Circuit							
Allegany	2,036	2	0	2.0	1,018	2.0	0.0
Garrett	1,003	1	0	1.0	1,003	1.0	0.0
Washington	4,503	3	0	3.0	1,501	4.5	1.5
Circuit Total	7,542	6	0	6.0	1,257	7.5	1.5
Fifth Circuit							
Anne Arundel	13,793	9	3.0	12.0	1,149	11.5	(0.5)
Carroll	4,102	2	1.0	3.0	1,367	4.1	1.1
Howard	5,703	4	1.0	5.0	1,140	5.2	0.2
Circuit Total	23,598	15	5.0	20.0	1,179	20.8	0.8
Sixth Circuit							
Frederick	3,847	3	0	3.0	1,282	3.8	0.8
Montgomery	22,698	13	4.4	17.4	1,304	17.4	0.0
Circuit Total	26,545	16	4.4	20.4	1,301	21.2	0.8
Seventh Circuit							
Calvert	1,726	1	0	1.0	1,726	1.7	0.7
Charles	4,245	3	0	3.0	1,415	4.2	1.2
Prince George's	33,040	17	6.0	23.0	1,436	23.6	0.6
St. Mary's	3,013	1	0.2	1.2	2,510	3.0	1.8
Circuit Total	42,024	22	6.2	28.2	1,490	32.5	4.3
Eighth Circuit							
Baltimore City	52,806	24	12.6	36.6	1,442	37.7	1.1

^a Both Harford and Montgomery Counties have no Orphans' Court and disposition of these matters is handled directly by the Circuit Court judges. Approximately 15 hearings were added to Harford County's projection and 150 hearings to Montgomery County's projection for Fiscal 1990.

^b Juvenile masters in some jurisdictions here only considered a percentage of a judicial officer because of the number of filings handled yearly by these individuals. Also, in Cecil and Wicomico Counties, District Court judges are cross-designated to hear juvenile matters in the circuit court. This amounts to about one day a week or 0.2 of a judge. (Note: In Wicomico County, when the District Court judge sits in juvenile court, the circuit court judge sits in the District Court. Therefore, no adjustments in the total number of judicial officers are needed.) Judgeship count for Baltimore City includes one District Court judge who is assigned to the Circuit Court of Baltimore City on an annual basis for about 8-1/2 months. This amounts to about .7 of additional judicial assistance yearly. Also included in the number of temporary judicial officers are retired judges who are recalled in some jurisdictions for settlement conferences.

^c The scale utilized for this column in Fiscal 1990 is as follows: 1000 filings - 1 to 3 judicial officers; 1100 filings - 4 to 8 judicial officers; 1200 filings - 9 to 14 judicial officers; 1300 filings - 15 to 19 judicial officers; 1400 filings - 20 or more judicial officers.

^d A need for additional judgeships is shown by a number without parentheses, whereas, a surplus in judgeships is shown by a number in parentheses.

NOTE: This memorandum concerning the elapsed time of civil cases was received too late to make changes in the Statistical Needs Analysis but is attached for clarification purposes.

Fourth Judicial Circuit of Maryland

ADMINISTRATIVE OFFICE
WASHINGTON COUNTY COURT HOUSE
HAGERSTOWN, MARYLAND 21740

JOHN A. DAVIES, JR.
CIRCUIT ADMINISTRATOR

AREA CODE 301
791-3089

MEMORANDUM

TO: Peter J. Lally
Assistant State Court Administrator

FROM: John A. Davies, Jr. *JAD.*

SUBJECT: Statistical Needs Analysis for New Judgeships in
the Circuit Courts -- 1989 Session;
Suggested Addendum Re: Allegany County

DATE: October 13, 1988

A review and analysis of the statistical reports relevant to Cumulative Terminated Cases and Elapsed Time Reports in the Civil Cases in Allegany County has revealed a clerical reporting error of some significance.

A number of Civil cases were intended to be closed on the "deadwood" file. That is, these cases were terminated in a prior fiscal year but remained on the Open Case Inventory reports. In the effort to correct the status of these cases and to reconcile the Open Case listings with the true state of the Docket, these cases were inadvertently closed with an activity date during the current fiscal year, thereby causing them to be included in the calculations of the elapsed time reporting system.

Specifically, 147 "deadwood" cases have been identified as erroneously included in the current (07/87 - 06/88) fiscal year calculations. Of these 147 cases, 25 were in the 241-360 day elapsed time bracket and 122 cases were in the 361-720 day elapsed time bracket.

Adjustment of the Allegany County report to exclude these 147 cases reduces the average in days - filing to disposition in Allegany County Civil cases (excluding cases over 721 days) from the published figure of 293 days to a corrected figure of 255 days in FY-88 (Table 3).

In Table 6, the comparative ranking of Allegany County in Time/Civil becomes (2) and Montgomery County becomes (1).

Page 2
Peter J. Lally
Allegany County Addendum
October 13, 1988

In Table 7, the Performance Factor for Montgomery County becomes (1.67) and the Allegany County becomes (7.67).

This corrected figure of 255 days in civil cases also affects the text of the report on Judgeship Needs on page 13, paragraph 4, regarding the ranking of Allegany County in civil cases and the text on page 15 regarding Montgomery County's ranking in elapsed time of civil cases.

If the Statistical Needs Analysis report cannot be revised to reflect corrections in the above noted tables and text, we would request that an appropriate addendum be attached to the report.

jad

cc: Hon. J. Frederick Sharer
Hon. Fred C. Wright, III

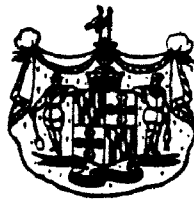


EXHIBIT B-1

The First Judicial Circuit of Maryland

LLOYD L. SIMPKINS

CHIEF JUDGE
AND
ADMINISTRATIVE JUDGE

COURT HOUSE

PRINCE WILLIAM STREET
PRINCESS ANNE, MARYLAND 21853
TELEPHONE (301) 651-1630

SOMERSET COUNTY
WICOMICO COUNTY
WORCESTER COUNTY
DORCHESTER COUNTY

August 31, 1988

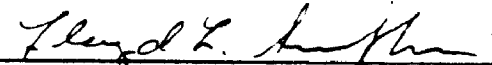
James H. Norris, Jr.,
State Court Administrator
Administrative Office of the Courts
Courts of Appeal Bldg.
Annapolis, Maryland 21401

Re: First Judicial Circuit
Need Analysis for New
Judgeship

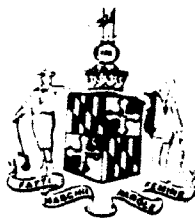
Dear Jim:

At present seven Circuit Court Judges have been authorized for this circuit. Once the seventh judge has been sworn in, I anticipate no additional need in the immediate future.

Respectfully,


Lloyd L. Simpkins

LLS/lf



The Second Judicial Circuit of Maryland

CIRCUIT COURT FOR CAROLINE COUNTY

J. OWEN WISE
CHIEF ADMINISTRATIVE JUDGE

September 13, 1988

COURT HOUSE
P. O. BOX 358
DENTON, MARYLAND 21629
301-478-2303

TO: Chief Judge Murphy

FROM: J. Owen Wise, Administrative Judge JOW
Second Judicial Circuit

SUBJECT: Statistical Needs Analysis for New Judgeship

Your Memorandum of August 19, 1988 requests our comments on the above Analysis and mine are set forth hereafter.

The projections in Table 2 for the Second Circuit are not consistent with our recent history of case filings. They project either a decrease or no increase in case filings for FY 89 and FY 90. The past several years reflect a 7 to 10 per cent increase in total case filings and there is no basis for concluding that trend will abate or reverse, as the statistics project. The projected increase in population shown in Table 4 indicates all of the counties in this Circuit will increase in population during the same period, and it is only logical to assume that the number of cases filed will also increase, at least at the same rate as the population. This inaccurate projection causes the projected need for judicial officers in Table 8 to be underestimated. I request the caseload projections be revised to reflect the historical increase in actual filings over the last several years. The attached Memorandum from Roger Mooney shows our caseload projections.

In addition, Table 8 assumes that Cecil County has 0.2 of a judicial officer available for juvenile matters. With the retirement of Judge Wilcox, that is no longer true, and the projections in Table 8 should so reflect, and footnote b should be amended accordingly.

I also suggest that these needs must take geographical dispersion into account. We are serving five counties with six judges, whereas the First Circuit is serving only four counties with seven judges. A comparison of Worcester and Cecil County's caseloads reflects Cecil's needs are greater than Worcester's, and that Circuit recently received an additional at-large judge. While

the Circuit totals are more favorable to the First Circuit's needs, the geography of this Circuit does not enable us to shift judges as easily as some other Circuits. The time and distance for me to go to Elkton is the same as it is for me to go to Baltimore or Upper Marlboro under the Temporary Assignment Plan. While it may be statistically convenient to lump caseloads by Circuit, the statistics must be discounted by the logistics.

It should also be taken into consideration that in four of our five counties, we have only the one judge and no temporary assignment plan as backup. If any of our judges become disabled suddenly, we have no ready replacement on a full time basis. We cannot assign a judge from another county without closing court in the vacated county. This is what occurs when a judge goes on leave or vacation and little or no court is scheduled in that county. This does not serve the public or the judicial system well. While having retired judges available is of assistance to us, their long-term usefulness is limited.

I also wish to point out some other factors which should be considered in utilizing these statistics. The length of time taken to dispose of criminal cases is really not determined by the judge, or the court, or their efficiency. The primary ingredient governing speed at which a case moves through the court is the State's Attorney's Office, and to a lesser degree, the defense bar. For example, if you compare Queen Anne's and Caroline's statistics in Table 3, you could come to the conclusion that Judge Carter disposes of cases faster than I. I think he would agree we are about equal in the speed with which we move cases. The difference in the processing times is entirely due to the fact that the Queen Anne's State's Attorney pleads out over 90% of his cases, and our State's Attorney tries a fair percentage of his cases. This is born out in the Administrative Office of the Court's statistics on the number of court and jury trials. Even assuming the reliability of these statistics, their relevance as indicia of judicial needs is questionable. It would seem the relevant statistic is the number of cases tried, not how long the cases take from filing to disposition. Any judge who takes a lot of pleas can dispose of more cases than one who doesn't. The judge who tries a lot of cases needs the help.

Table 5, Column 5 is useless and irrelevant in rural areas. There was a time in rural areas when clients selected local lawyers, but that is no longer the norm. On any given day, at least half of the cases on our docket have counsel who are not from this County, or even this Circuit. The ratio may have some currency in the larger metropolitan areas, but the number of lawyers residing in a county (as shown in the Clients Security Trust Fund list) has little relation to the counties in which they file their cases. Easily a third of Caroline's cases, for instance, have counsel from Easton in them, and the same is true

Sept. 13, 1988

for other counties in the Circuit. Of the 18 "lawyers" used as a basis for the ratio in Caroline County (Table 5), three are judges who don't practice and two are persons who haven't filed a case here in five years. The statistics for Talbot County are even more misleading in that they may have 76 members of the CSTF, but they do not have 76 lawyers engaged in trial work in the County.

Table 6 ranks predictive factors and performance factors, presumably as an indication of efficiency and need. I suggest that a more important determinant in the speed at which criminal cases are processed is the number of State's Attorneys available in a county. We have only two prosecutors, and when one is out sick or on vacation, it is always the Circuit Court docket, and not District Court, which falls out. I have not chosen to fight with District Court about this, but I think it is unfair to penalize this Court (by ranking us No. 4) for factors that are not within our control. I cannot order the County Commissioners to hire more Assistant State's Attorneys and arbitrarily dismissing cases does not seem to be in anyone's interests.

I do not suggest that these comments and revisions would reveal the immediate need for an additional judge. I do suggest, however, that a proper evaluation of all relevant factors, indicates more of a need than the statistical analysis shows.

JOW/sw
Att.



EXHIBIT B-2

The Second Judicial Circuit of Maryland

J. Owen Wise
ADMINISTRATIVE JUDGE

COURT HOUSE
CHESTERTOWN, MARYLAND 21620
TELEPHONE: 778-4609

ROGER P. MOONEY
ADMINISTRATOR

CAROLINE COUNTY
CECIL COUNTY
KENT COUNTY
QUEEN ANNE'S COUNTY
TALBOT COUNTY

September 6, 1988

MEMORANDUM

TO: Judge J. Owen Wise
Circuit Administrative Judge

FROM: Roger P. Mooney *RPM*
Circuit Administrator

SUBJECT: STATISTICAL NEEDS ANALYSIS FOR ADDITIONAL JUDGESHIPS IN
THE CIRCUIT COURTS - FISCAL 1990

This is in response to your request for comments concerning the subject matter. The A.O.C. projected filings for FY 1990 seem a little on the conservative side. As you will see from the figures below, the A.O.C. report projects we will have less filings in FY 1990 than were actually filed in FY 1988.

Based on what has transpired in the last few years, I would seriously doubt if there would be a reduction in the number of filings. In two years, I believe Cecil County will be exceeding 3,000 filings and the filings in three out of the other four counties will be in excess of 1100 cases. Additionally, the number of filings circuitwide will probably increase somewhere in the area of a thousand more cases.

CASE FILINGS PROJECTION: Second Judicial Circuit - F.Y. 1990

COUNTY	ACTUAL 1985-86	ACTUAL 86-87	ACTUAL 87-88	Our PROJECT. 88-89	Our PROJECT. 89-90	AOC PROJ 89-90	PROJ. INCREASE FM. FY88
CAROLINE	905	970	1180	1250	1307	1307	127
CECIL	2376	2549	2897	3128	3250	2742	353
KENT	552	669	643	670	737	551	94
QUEEN ANNE'S	942	951	1045	1148	1245	959	200
TALBOT	1025	1075	1174	1249	1324	1099	150
CIRCUIT	5800	6214	6939	7445	7863	6658	924

RPM:egc



EXHIBIT B-3

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

FRANK E. CICONE
CHIEF JUDGE
AND
CIRCUIT ADMINISTRATIVE JUDGE

September 15, 1988

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
301/494-2500

The Honorable Robert C. Murphy
Chief Judge
Court of Appeals
401 Bosley Avenue
Towson, Maryland 21204

RE: Statistical Analysis
Fiscal 1990

Dear Chief Judge Murphy:

Pursuant to your request, we are responding to the Statistical Needs Analysis for Additional Judgeships in the Circuit Court - Fiscal 1990. As the Circuit Administrative Judge, I concur with the report's recommendation as to the need for 2.6 judges in Baltimore County and 1.1 judges in Harford County.

With respect to Baltimore County, I want to make you aware that the Administrative Office projections would be higher if not for an internal statistical reporting problem that significantly underrepresents the total volume of reopened cases for Fiscal '88. In the past fiscal year, Baltimore County recorded 886 reopened civil cases, while Charles County reported 1,470 cases during the same period. We are engaged actively in correcting this problem.

As to Harford County, total filings for Fiscal '87 were determined by a projection of the June filings which were underrepresented by about 4%. In fact, Fiscal '88 filings were 6,459 which amounts to a 18.1% relative increase when compared to Fiscal '87 data. Civil filings have increased over the past year by 13.6%, criminal indictments and informations increased by 17.7% and juvenile filings increased by 17.7%. Projections based upon actual year end filings indicate a need for 1.7 additional judicial personnel.

Despite these trends and after extensive soul searching, the Third Judicial Circuit will not request any additional judicial resources to meet the demands of a caseload that has swelled by more than 60% since Fiscal '81.

Hon. Robert C. Murphy

page 2

My decision not to request an additional judge at this time for Baltimore County can be attributed to our dedicated and hard working Bench, coupled with our highly developed Assignment System and our extremely successful Settlement Conference program. As to Harford County, I am informed that despite their obvious need for judicial assistance they also wish to redouble their efforts and forego an additional judge at this time.

You can be sure that we will make every effort to effectively and timely deal with this burdensome situation which plagues Baltimore and Harford Counties.

Very truly yours,


Frank E. Cicone

FEC:ems

cc: James H. Norris, Jr., Esquire
State Court Administrator



FRED C. WRIGHT III
ASSOCIATE JUDGE
FOURTH JUDICIAL CIRCUIT
OF MARYLAND

COURT HOUSE
HAGERSTOWN, MD. 21740
TELEPHONE (301) 791-3111

September 16, 1988

Hon. Robert C. Murphy
Chief Judge
Court of Appeals of Maryland
Courts of Appeal Bldg.
Rowe Blvd.
Annapolis, MD 21401

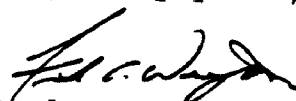
RE: Statistical Needs Analysis
Fiscal 1990

Dear Judge Murphy:

The statistical analysis shows a need for 1 1/2 more judges for the Circuit Court of Washington County even though we seem to have a faster ability to handle our workload. See Table 7. I do not believe that we can implement any additional case management system to increase our efficiency. The County Commissioners are aware of the need and are searching for space outside of the Courthouse to which they would move certain county offices thereby providing areas for court expansion. However this is a two-year project. Consequently I do not at this time ask for a fourth judge for this county.

There is no need for new judgeships in either Allegany or Garrett counties.

Very truly yours,


Fred C. Wright, III
Administrative Judge
Fourth Judicial Circuit

FCW/ech

STATE OF MARYLAND
FIFTH JUDICIAL CIRCUIT
ANNE ARUNDEL COUNTY COURTHOUSE
ANNAPOLIS
21401

RAYMOND G. THIEME, JR.
CIRCUIT ADMINISTRATIVE JUDGE

September 26, 1988

TELEPHONE (301) 280-1290

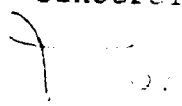
Honorable Robert C. Murphy
Chief Judge
Court of Appeals of Maryland
Courts of Appeal Building
Rowe Boulevard
Annapolis, Maryland 21401

Re: Statistical Needs Analysis for
New Judgeships in the Circuit
Courts - - 1989 Session
(Fiscal 1990)

Dear Bob:

Enclosed herewith are the reports from Howard and Carroll Counties. Each requested an additional judge. I support Carroll County's request, however, I am not in a position at this time to support Howard County's request.

Sincerely,


Raymond G. Thieme, Jr.

RGT:pjr

Enclosures

cc: Honorable Donald J. Gilmore
Honorable J. Thomas Nissel

FIFTH JUDICIAL CIRCUIT

OF MARYLAND

WESTMINSTER, MARYLAND

21157

EXHIBIT B-5

DONALD J. GILMORE
ASSOCIATE JUDGE

COURTHOUSE
COURT STREET

September 20, 1988

The Honorable Raymond G. Thieme, Jr.
Circuit Court for Anne Arundel County
Courthouse
Annapolis, Maryland 21401

Re: Fiscal 1990
Additional Judge
Circuit Court for
Carroll County

Dear Judge Thieme:

Pursuant to your inquiry of September 6, 1988, please be advised that we are hereby requesting an additional judgeship for the Circuit Court for Carroll County in the forthcoming session of the General Assembly.

Carroll County has experienced unprecedented growth in the past several years that has created a critical need for a third Circuit Court Judge. According to the Carroll County Planning Office, our current population is 122,117 people, with a projected population of 125,166 people by 1990. The current population figure per Judge is 61,059, which is 3,209 persons per Judge higher than the Administrative Office's statistics. The earliest that a third Judge could be put in place would be September, 1989. The projected population figure per Judge at that time is 62,583.

The creation of a second Judge for Carroll County occurred in 1977 and was filled with my appointment on September 9, 1977. There were 889 case filings per Judge and 844 terminations per Judge for Fiscal 1977. Since the creation of a second judgeship in 1977, we have increased our case filings by 118%. In order to meet the ever-increasing load, we have taken virtually every imaginable administrative step to increase the Court's productivity to meet the rising caseload. Accordingly, we have increased our case terminations since 1977 by 113%.

Notwithstanding the remarkable increase in productivity, we are losing ground to the ever-increasing caseload. Of the two available Judges, one Judge is now sitting five days a week

hearing nothing but criminal cases to avoid the consequences of Hicks.

Further, despite the increased productivity, we have experienced a 35% increase in pending cases from FY '79 to FY '88, and they are increasing at a more rapid rate.

If you will recall, in response to my request for a Judge last year, it was hoped some relief might be afforded through the services of retired Judge Weant. This has resulted in a one day a month settlement conference session, which does not come close to our need for additional help, and no other relief is available.

We have the support of the local Delegation, the Carroll County Bar Association, and the Carroll County Commissioners.

The additional courtroom needed for the accommodation of the third Judge has been reviewed by a committee and a meeting concerning its implementation is to take place on September 27. The building of a new courtroom can be accomplished rather quickly because it involves the renovation of the Courthouse Annex area now occupied by the State's Attorney's Office, as opposed to the construction of a new building.

Judge Burns joins me in this request for an additional Judge. If any further information is needed, please advise.

Very truly yours,


Donald J. Gilmore

DJG/ble

STATE OF MARYLAND
FIFTH JUDICIAL CIRCUIT
COURT HOUSE
ELLCOTT CITY
21040

EXHIBIT B-5

ROBERT F. FISCHER
Judge

AREA CODE 001
~~XXXXXX~~
992-2145

September 22, 1988

Honorable Raymond G. Thieme, Jr.
Circuit Administrative Judge
Fifth Judicial Circuit
Anne Arundel County Courthouse
Annapolis, Maryland 21401

Dear Judge Thieme:

Howard County is requesting that the Administrative Office recommend the creation of an additional judge for the Circuit Court for Howard County.

The last year we were granted an additional judgeship was 1982. Since 1982, according to the latest official statistics the Howard County population has increased by 41,919, with a projection of another 10,000 by 1990. With this rate of growth, the Howard County Circuit Court is continually falling behind year after year. The number of filings in our court over the past ten years has increased by 208%. Over the past several years it has become increasingly difficult for the present four judges to keep up with the work that this growing county is supplying them. This workload is not expected to decrease or even level off at any time in the near future. According to the Department of Planning and Zoning it is estimated that by the year 1990 the current population of 168,000 will have increased to 178,000. We are one of the fastest growing counties in the State.

As a result of the 208% increase in filings, the number of pending cases remaining at the end of the Fiscal Year has increased by 188% over the past ten years. By the end of Fiscal Year 1988, the pending case load total of 4,453 cases was only 25% lower than the amount of filings for Fiscal Year 1988. This pending case load figure is going to steadily increase in the future, just as it has in the past. Our Judges are producing as much work as humanly possible. Without the help of an additional judge on our staff, the Circuit Court for Howard County will continue to have an uncontrollable pending case load which within the near future may result in criminal cases being dismissed for lack of speedy trial.

The time period between filing and disposition of a case has increased yearly to the point where there is a greater time lapse than in most of the other Maryland counties. In spite of the fact that criminal cases take precedence over civil cases because of the 180 day rule, you will see from the attached table that the time lapse in criminal cases over the past three years has been the

September 22, 1988

eleventh longest. If this does not seem to you to be all that detrimental, please note that Howard County's statistics are higher than the State's average.

Civil cases on the other hand are much worse. Note that for the Fiscal Year 1987, in Howard County it took longer to reach disposition in a civil case than any of the other twenty-three counties in the entire state. Fiscal Year 1986 was slightly better, however, the time lapse was greater than twenty of the other counties in Maryland.

Litigants in Howard County are denied having their cases disposed of within a reasonable amount of time due to the increase in criminal filings over the years. Due to the time limit for a criminal case to go to trial (Hicks Rule) we do not have the resources to have all cases disposed of within a reasonable amount of time. As is the case in all jurisdictions, criminal cases have to take priority over all other cases. Over the past several years it is taking an enormous amount of bench time of the present four judges just to keep up with the criminal filings and backlog. With the civil backlog more than three times the amount of the criminal backlog, it is certain that with the situation as it is now, the amount of time for a civil case to reach disposition is going to steadily increase without the help of a permanent fifth judge. At the present time it is reported by the Civil Assignment Office that it is taking approximately fifteen months for a court trial to be heard by the court and eighteen months or more for a jury trial.

One of the problems faced by a rapidly growing county is that the population figures are inaccurate. For example, the population projections used by the Administrative Office indicate a population for Howard County of 164,000 by July 1, 1989. However, the Howard County Office of Planning and Zoning indicates that the Howard County population was 168,394 on July 1, 1988.

The Clerk of Court and all of the currently serving judges are in agreement that the addition of a fifth judge is needed to handle the workload of this court.

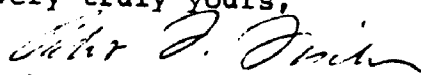
Our legislative delegation seems to be in support of this proposal and our local county government is very supportive of this request.

Judge Murphy has made available to us the services of a part-time settlement judge, however the effectiveness of his work will not be known for two or three months.

We are confident that the local bar will be in support of our request for an additional judge, and the physical facilities are currently available. The new addition to the Howard County Courthouse contains five courtrooms and an additional chambers for a fifth circuit court judge.

Your support for this request would be appreciated.

Very truly yours,


Robert F. Fischer

RFF:mcr

TABLE CC-12
AVERAGE DAYS FROM FILING TO DISPOSITION

	Civil			Criminal			Juvenile		
	1984-85	1985-86	1986-87	1984-85	1985-86	1986-87	1984-85	1985-86	1986-87
FIRST CIRCUIT									
Dorchester	147	141	148	132	113	121	37	32	37
Somerset	107	116	98	111	115	128	26	14	19
Wicomico	148	154	179	86	89	97	32	34	35
Worcester	175	174	177	117	110	112	47	59	58
SECOND CIRCUIT									
Caroline	143	197	179	125	163	160	59	50	50
Cecil	153	152	143	157	159	146	48	46	56
Kent	129	107	141	159	129	125	65	38	37
Queen Anne's	88	160	181	123	123	134	40	35	47
Talbot	155	158	163	143	126	186	52	69	60
THIRD CIRCUIT									
Baltimore	216	210	213	99	106	125	43	51	48
Harford	182	176	186	173	161	166	48	55	59
FOURTH CIRCUIT									
Allegany	261	232	216	126	144	165	29	38	67
Garrett	192	189	187	125	160	124	32	51	38
Washington	179	170	182	130	157	146	36	43	43
FIFTH CIRCUIT									
Anne Arundel	173	184	228	144	143	149	82	74	80
Carroll	147	151	187	167	150	161	68	69	82
Howard	261	225	262	131	131	135	71	64	72
SIXTH CIRCUIT									
Frederick	169	173	184	103	111	128	59	68	70
Montgomery	223	245	242	142	168	178	92	85	106
SEVENTH CIRCUIT									
Calvert	170	189	191	96	105	95	73	77	81
Charles	181	193	192	152	154	141	65	66	65
Prince George's	246	241	206	104	109	111	63	64	71
St. Mary's	178	184	173	135	114	127	81	73	82
EIGHTH CIRCUIT									
Baltimore City	187	194	243	93	76	81	63	68	65
STATE	200	204	214	111	106	112	64	66	66

NOTE: A small number of lengthy cases can increase an average, particularly in a jurisdiction with a small caseload. For that reason, civil cases over 721 days old, criminal cases over 360 days old, and juvenile causes over 271 days old have been excluded in the above calculations. Approximately 90 to 95 percent of the cases are disposed of within those time periods.



SIXTH JUDICIAL CIRCUIT
OF MARYLAND
JUDICIAL CENTER
50 COURTHOUSE SQUARE
ROCKVILLE, MARYLAND 20850

EXHIBIT B-6

JOHN J. MITCHELL
CHIEF JUDGE

1301 217-7500

September 26, 1988

Honorable Robert C. Murphy
Chief Judge, Court of Appeals
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401

Dear Judge Murphy:

This letter is written in response to Mr. Norris' Memorandum of August 19, 1988, pertaining to new judgeships in the Circuit Court - 1989 Session. After considerable deliberation, I find that there is a definite need for an additional judgeship in Montgomery County.

My principal concerns are with the unacceptable lag that now exists between filing and disposition in civil cases, and the approaching crisis on the criminal side. The civil bar recognizes the priority which must be afforded criminal trials. However, this leads to frustrations which are reported to me with increasing frequency, not only from the attorneys but from the litigants and judges as well. These complaints become more vocal when the volume of criminal cases brought from the District Court requires the assignment of four judges from the civil side to move criminal cases. Although this temporarily addresses the problem in the criminal caseload it seriously aggravates the civil docket problem. During the past year, an average civil jury trial lasted 3.2 days, and average voir dire lasted 1.26 hours. Civil jury trials are lasting up to 50% longer than in years past.

September 26, 1988
Honorable Robert C. Murphy
Page Two

Our criminal case scheduling is within, but barely within, the requirement of law. We are now stretched to 175 days for the scheduling of criminal trials, and this does not leave an acceptable degree of flexibility. Attachment A delineates an increase of jury demands and appeals from District Court of 20.55% from FY86 to FY88. On an average from FY86 to FY87 each judge was responsible for disposing of 35 more cases by court action. Attachment B reflects the total criminal caseload/percentages from FY86 to FY88. In FY88 the total criminal caseload filings were 4,728 thus, leaving an average workload measure of 364 criminal cases per judge.

The average length of time for criminal jury trial was 2.3 days and voir dire averaged 1.04 hours. The State's Attorney indicates that with the nature of their cases he does not anticipate any reduction in these time factors.

I have read and heard of asbestos cases in other jurisdictions and how they will impact on those courts, but no reference is made to the Savings & Loan cases this Court has entertained over the past year, or the Dalkon Shield cases in the past years, adding to our current backlog plight. First Maryland was tried before a jury and consumed twelve weeks. Community Savings & Loan has been in progress since April, 1988, and may conclude in November, 1988. A four month real estate trial is set to begin October 1, 1988. These protracted cases have a crushing effect on our jury budget, and a more devastating effect on our trial calendar. We have lost approximately one judicial man-year in the past twelve months. These cases are not in a planning stage, and were not in the planning stage for Montgomery County in the Statistical Needs for New Judgeships for Fiscal 1989, nor are they present in the report for 1990.

Statistics in Montgomery County have always been somewhat misleading because they cannot and do not reflect the intensity and litigious filings this court contends with on a daily basis. Statistics alone, as has often been pointed out, can not predominate in Montgomery County because of our local legal culture. Local residents are able to afford litigation, can litigate more intensively, and thus, cases take longer, so

September 26, 1988
Honorable Robert C. Murphy
Page Three

that the "pure" number of cases filed should only be a portion of the deciding factor.

Table 5 of the statistical report indicates a ratio of 269 attorneys per judge. Although out-of-state attorneys are not included in the Administrative Office of the Court's figures, Montgomery County currently has an active attorney listing of 6,519 (Attachment C). This statistic would change drastically to 502 to 1. Again, the FY90 statistical need for judgeships cannot and should not dictate the need for a judge in this category based essentially upon half of our legal community.

We have recently been made aware of a substantial change in demographics that is no doubt contributing to our problems. Population increases in Montgomery County have far exceeded the best projections. Montgomery County's projection of 701,000 was not to be reached until July of 1989 but was actually attained as of July 1988. Montgomery County conducted a 1987 census update and further predictions project 1990's population at 715,000.¹ Our current population is equal to that of Prince George's County. In just two years, the population of Montgomery County will exceed that of Baltimore City.

The Court has received the assistance of Judge Philip M. Fairbanks (Ret.) during the past year. He has effectively handled negligence case settlement conferences. Our colleagues in the District Court are confronted by their own volume problems rendering assistance to this Court impossible. Occasionally, our colleagues in Frederick can assist us, but Frederick County's needs are increasing as well. These two jurisdictions are burgeoning in population. Frederick is at least two years ahead of their population projections, but we are beyond a planning stage and at a crisis intervention stage.

The Montgomery County Bar Association leadership supports my request, and a resolution will soon be issued by that Association. Active support for this new judgeship has been

1

Montgomery County 1987 Census Update Survey, Research Division,
Montgomery County Planning Department MNCPPC.

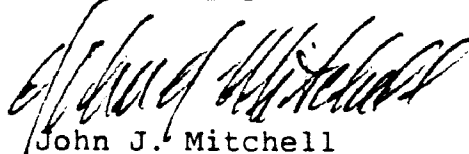
September 26, 1988
Honorable Robert C. Murphy
Page Four

guaranteed by the leadership of the State Delegation. I have had several meetings with the County Executive and his staff and I can report that my position has complete, active support of the local government. The county government offers the fiscal support for this request, and our facility already provides two (2) additional, fully-equipped courtrooms.

By-and-large Montgomery County judges have been industrious yet, in light of the FY 90 statistical analysis, denying judicial manpower is likely to have a toll on morale rather than maintaining judicial strength as we have in the past. Recognition of our need is critical because the Legislature reasonably looks to you for a fair and objective evaluation of needs.

I earnestly solicit your support for an additional judge in the Circuit Court for Montgomery County. I stand ready to respond to any inquiry.

Very truly yours,



John J. Mitchell

JJM:mr
enclosures

: JOB CASEOVR, CRIMEPRG. COURT, CRIMEPRG
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JOB NUMBER = #J193
THU, SEP 22, 1988, 5:13 PM
HP3000 / MPE V G.B2.02 (BASE G.B2.02).
: RUN OCASEOVR; LIB=P; MAXDATA=21000

7/1/85 TO 6/31/86

CASES: 2,880

7/1/86 TO 6/31/87

CASES: 3,193

% OF INCREASE: +10.86

7/1/87 TO 6/31/88

CASES: 3,472

% OF INCREASE: +8.73

7/1/85 TO 6/31/88

% OF INCREASE: +20.55

END OF PROGRAM

:EOJ

CPU SEC. = 95. ELAPSED MIN. = 3. THU, SEP 22, 1988, 5:15 PM

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JOB NUMBER = #J217
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HP3000 / MPE V G.B2.02 (BASE G.B2.02).
:RUN OCASEOVR;LIB=P;MAXDATA=21000

7/1/85 TO 6/31/86

CASES: 4,039

7/1/86 TO 6/31/87

CASES: 4,477

% OF INCREASE: +10.84

7/1/87 TO 6/31/88

CASES: 4,728

% OF INCREASE: +5.60

7/1/85 TO 6/31/88

% OF INCREASE: +17.05

END OF PROGRAM

:EOJ

CPU SEC. = 103. ELAPSED MIN. = 6. FRI, SEP 23, 1988, 1:17 PM

Seventh Judicial Circuit of Maryland

EXHIBIT B-7

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

ERNEST A. LOVELESS, JR.
CHIEF JUDGE
CIRCUIT ADMINISTRATIVE JUDGE

September 21, 1988

(301) 952-4093

The Honorable Robert G. Murphy
Chief Judge
Court of Appeals Building
Annapolis, Maryland 21401

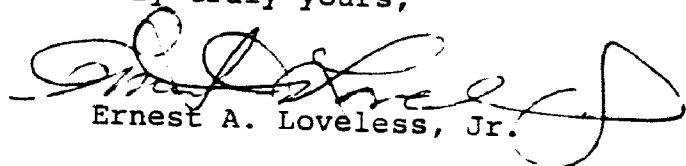
Dear Judge Murphy:

In response to your inquiry on "Needs for Additional Judicial Manpower", I would request an additional judge for St. Mary's County.

The statistics indicate that the need in St. Mary's (1.8 additional judges needed) is greater than anywhere else in the State other than Baltimore County. In St. Mary's County the FY'87 filings were nearly double those of FY'86 and FY'88 filings were 18.6% over FY'87. The number of jury trials prayed from District Court has shown a five fold increase. St. Mary's County is also experiencing increased growth in the population spread from the District of Columbia.

Attached hereto is a letter I have received from Judge Briscoe which supports this additional judge request.

Very truly yours,


Ernest A. Loveless, Jr.

Attachment

cc: Judge Briscoe
Court Administrator



EXHIBIT B-7

Seventh Judicial Circuit of Maryland

COURT HOUSE

LEONARDTOWN, MARYLAND 20650

JOHN HANSON BRISCOE
ASSOCIATE JUDGE

September 15, 1988

(301) 475-5621

The Honorable Ernest A. Loveless, Jr.
Chief Judge, Seventh Circuit
Court House
Upper Marlboro, MD 20772

Dear Ernie:

We have recently discussed an additional Circuit Court judge for St. Mary's County. You had indicated that you thought it appropriate to make such request at this time. It is my sincere opinion that now is the time to ask for a second judge for St. Mary's County.

I have discussed this proposition with the County Legislators and there will be no problem obtaining their legislative support. The Bar Association for St. Mary's County will endorse the request. The County Commissioners, on their own, initiated a need study for the Court house. That study has recommended the immediate need for space for a second Circuit Court. There is no question about the case load justifying an additional Circuit Court judge, and I believe that our chances of obtaining this would be very good with the recommendation of you, the Administrative Office of the Courts and Chief Judge Murphy. The Seventh Circuit Judicial Conference has not officially voted for the request, but I feel confident that given the present circumstances it would unanimously vote in favor.

I would therefore respectfully request that you communicate with Judge Murphy to seek his support.

By copy of this letter I am advising Judge Murphy of our needs and enlisting his favorable consideration.

Sincerely yours,


John Hanson Briscoe

JHB/jsj

cc: The Hon. Robert C. Murphy
Chief Judge
Court of Appeals of Maryland



EXHIBIT C

DISTRICT COURT OF MARYLAND

ROBERT F. SWEENEY
Chief Judge

Courts of Appeal Building
Annapolis Maryland 21401
Phone: 974-2412

October 10, 1988

The Honorable Robert C. Murphy
Chief Judge, Court of Appeals
County Courts Bldg., Fifth Floor
401 Bosley Avenue
Towson, Maryland 21204

Dear Judge Murphy:

In accordance with the policy established by you I am herewith submitting my assessment of the need for newly created judgeships for the District Court for the fiscal year beginning July 1, 1989.

In the preparation of this request I have carefully evaluated the Court's caseload, the state of our dockets, and the judicial workload throughout the state. Additionally, I have met with the twelve administrative judges of this Court, collectively and individually, and have sought the views of my own staff in Annapolis and the administrative clerks in each district.

As a result of these discussions and evaluation, I am asking that you request the General Assembly to establish two additional judgeships, one in District Seven, Anne Arundel County, and the other in District Ten, Howard County.

Anne Arundel County

In Anne Arundel County the Court now has six judges. In 1971, when the Court was created, the authorized complement was six judges, but one of those judgeships was permitted to remain vacant for two years because of our belief that the caseload did not at that time warrant the appointment of a sixth judge. In fact, when that vacancy was filled in 1983, it was not because of a need in Anne Arundel County but because of your desire to have a District Court judge available to serve in a specially created criminal court in the Circuit Court for Baltimore City. For several years an Anne Arundel County judge served out-of-county to free up

The Honorable Robert C. Murphy
Page Two
October 10, 1988

other District Court judges for that circuit court service. Six or seven years ago, as the Anne Arundel County caseload began to increase, we reduced, and then virtually eliminated, the out-of-district assignment of Anne Arundel County judges because of more pressing needs in their home county.

In the year that concluded June 30, 1983, 87,925 motor vehicle, criminal and civil cases were filed in the District Court in Anne Arundel County. In the year that concluded June 30, 1988, 111,372 cases were filed, representing an increase of 23,447 cases, or 26%. In the category of cases actually tried per judge among the six largest jurisdictions in the District Court, (Anne Arundel County, Baltimore City, Baltimore County, Howard County, Montgomery County and Prince George's County), Anne Arundel County ranks as follows:

DWI Cases	First	(581)
Routine Traffic Cases	Fourth	(4,198)
Criminal Cases	Second	(757)
Contract/Tort Cases	Sixth	(106)
Landlord/Tenant Cases	Third	(170)

Additionally, the judges of that Court rank fourth among the larger districts in the time spent on the bench each day.

I am satisfied from the foregoing statistics alone that there is sufficient need for an additional District Court judge in Anne Arundel County. There are other factors, however, which make that need even more compelling. For a period of more than a year before her untimely death in 1987, District Court Judge Martha Wyatt was critically ill and unable to serve. Simultaneously, Judge George M. Taylor of that Court experienced a quadruple coronary bypass with resulting complications, requiring him to be absent from his duties for most of calendar year 1987. During that time-frame a substantial backlog in the trial of cases occurred in Anne Arundel County, and despite our best efforts to reduce that backlog we have been unsuccessful. As of this writing, there are more pending cases not yet scheduled for trial in Anne Arundel County than in any other Maryland jurisdiction, with the single exception of Howard County with which I will deal later herein. To address this backlog I have assigned judges from Calvert and St. Mary's Counties into Anne Arundel County on a weekly basis for the last six months. Despite their best efforts and those of the resident judges in this county there has been no substantial diminution in that residue of cases.

The Honorable Robert C. Murphy
Page Three
October 10, 1988

I am, therefore, persuaded that we can only become current and remain current in our workload through the creation of an additional judge for that district.

Howard County

The District Court in Howard County has a present complement of three judges, the third judge having been added by the General Assembly effective July 1, 1980. As noted hereinabove, that court has the largest backlog of pending cases of any District Court jurisdiction in the state.

In the fiscal year concluding on June 30, 1983, 46,960 motor vehicle, criminal and civil cases were filed in that court, and in the year concluded on June 30, 1988 69,831 cases were filed therein, for a staggering increase of 48%.

The heavy workload of that court is manifested by the fact that of the six largest jurisdictions in this Court the judges of Howard County rank as follows in the number of cases tried per judge:

DWI Cases	Second	(539)
Routine Traffic Cases	Second	(4,696)
Criminal Cases	Sixth	(272)
Contract/Tort	Third	(204)
Landlord/Tenant	Sixth	(80)

That court ranks sixth in the state in average benchtime spent on the bench per judge.

In Howard County, as in Anne Arundel County, I have tried to address our backlog through the use of visiting judges, but although that technique has been of some assistance the backlog continues to increase. I am satisfied that we can only eliminate that backlog and remain current with our workload with the creation of an additional judge in that county.

I am happy to advise you that in both Anne Arundel County, in the Glen Burnie Court, and in the District Court in Howard County, in Ellicott City, a fully equipped courtroom is available and awaiting use should the Governor and the General Assembly see fit to create the judgeships requested herein.

-

Please be advised that no District Court administrative judge, with the exception of those in the Seventh and Tenth Districts, requested the creation of an additional judgeship

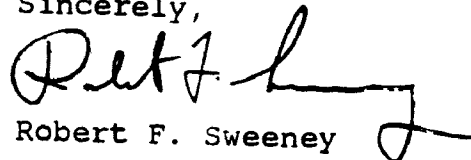
The Honorable Robert C. Murphy
Page Four
October 10, 1988

in their district. I have engaged in substantial discussions with Judge Thomas C. Groton, III, of the Second District, concerning the possible need for an additional judgeship in Wicomico County, but we have jointly concluded that such a request at this time would be premature. We will continue to monitor the caseload, backlog and benchtime in that court however and might seek the appointment of an additional judge for that county in Fiscal Year 1991.

The caseload per judge in Frederick County, District Eleven, is also substantial, but not yet at the level where additional assistance appears to be required. Administrative Judge Herbert L. Rollins and I will continue to monitor that court also, towards the possibility that additional assistance might be required in Fiscal Year 1991.

I hope that the data contained in this request is sufficient for your purpose. Please be assured of my willingness to provide any additional information that you might require.

Sincerely,


Robert F. Sweeney

RFS:bj

BILL ORDER

EXHIBIT D-1

(1b) AN ACT concerning

Judgeships - Circuit Court

for the purpose of altering the number of Circuit Court judgeships in the 5th Judicial Circuit (Carroll County) and the 7th Judicial Circuit (St. Mary's County).

Circle
Only One:

- (rr) By repealing and re-enacting, with amendments,
or
(an) By adding to
or
(r) By repealing

Article Courts and Judicial Proceedings

Section 1-503 (a)

Annotated Code of Maryland

(1984 Replacement Volume and 1988 Supplement)

Circle as appropriate

(ed) - July 1 effective date

(eed) - emergency effective date

(aed) - abnormal effective date: _____

(sev) - severability clause

(sli) - salary increase not to
affect incumbent

Office _____

(a) In each county in the first seven judicial circuits there shall be the number of resident judges of the circuit court set forth below, including the judge or judges provided for by the Constitution:

(1)	Allegany.....	2
(2)	Anne Arundel.....	9
(3)	Baltimore County.....	14
(4)	Calvert.....	1
(5)	Caroline.....	1
(6)	Carroll.....	[2]3
(7)	Charles.....	3
(8)	Cecil.....	2
(9)	Dorchester.....	1
(10)	Frederick.....	3
(11)	Garrett.....	1
(12)	Harford.....	4
(13)	Howard.....	4
(14)	Kent.....	1
(15)	Montgomery.....	13
(16)	Prince George's.....	17
(17)	Queen Anne's.....	1
(18)	St. Mary's.....	[1]2
(19)	Somerset.....	1
(20)	Talbot.....	1
(21)	Washington.....	3
(22)	Wicomico.....	3
(23)	Worcester.....	2

(1b) AN ACT concerning

Judgeships - District Court

for the purpose of altering the number of District Court judgeships in the 7th Judicial District (Anne Arundel County) and the 10th Judicial District (Howard County).

Circle
Only One:

- (rr) By repealing and re-enacting, with amendments,
or
(an) By adding to
or
(r) By repealing

Article Courts and Judicial Proceedings

Section 1-603 (b)

Annotated Code of Maryland

(1984 Replacement Volume and 1988 Supplement)

Circle as appropriate

(ed) - July 1 effective date

(sev) - severability clause

(eed) - emergency effective date

(sii) - salary increase not to
affect incumbent

(aed) - abnormal effective date: _____

Office _____

1-603.

(b) In each of the districts provided for in § 1-602 of this subtitle, there shall be the following number of associate judges of the District Court:

- (1) District 1 -- 23
- (2) District 2 -- 4
- (3) District 3 -- 6, two to be appointed from Cecil County
- (4) District 4 -- 4
- (5) District 5 -- 11
- (6) District 6 -- 11
- (7) District 7 -- [6]7
- (8) District 8 -- 12
- (9) District 9 -- 3
- (10) District 10 -- [5]6, two to be appointed from Carroll County and [three]FOUR to be appointed from Howard County
- (11) District 11 -- 4
- (12) District 12 -- 3